

JOURNAL OF THE PROCEEDINGS OF THE BOARD OF COMMISSIONERS OF COOK COUNTY

JUNE 14, 2011



TONI PRECKWINKLE, PRESIDENT

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JERRY BUTLER

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JOHN P. DALEY

JOHN A. FRITCHEY

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EDWIN REYES

TIMOTHY O. SCHNEIDER

PETER N. SILVESTRI

DEBORAH SIMS

ROBERT B. STEELE

LARRY SUFFREDIN

JEFFREY R. TOBOLSKI

DAVID ORR
COUNTY CLERK

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JOURNAL OF THE PROCEEDINGS

OF THE

BOARD OF COMMISSIONERS

OF COOK COUNTY

Meeting of Tuesday, June 14, 2011

**10:00 A.M.
Daylight Savings Time**

COOK COUNTY BOARD ROOM, COUNTY BUILDING

Board met pursuant to law and pursuant to Resolution 11-R-26.

OFFICIAL RECORD

President Preckwinkle in the Chair.

CALL TO ORDER

At 10:00 A.M., being the hour appointed for the meeting, the President called the Board to order.

QUORUM

County Clerk David Orr called the roll of members and there was found to be a quorum present.

ROLL CALL

Present: President Preckwinkle and Commissioners Butler, Collins, Daley, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Suffredin and Tobolski (14).

Absent: Commissioner Beavers, Sims and Steele (3).

INVOCATION

Reverend Mitty Collier, Playwright Gospel Recording Artist and retired Editorial Assistant gave the Invocation.

President Preckwinkle moved that the meeting do now recess for the purpose of holding the various committee meetings.

BOARD RECONVENED

President Preckwinkle in the Chair.

QUORUM

County Clerk David Orr called the roll of members and there was found to be a quorum present.

ROLL CALL

Present: President Preckwinkle and Commissioners Butler, Collins, Daley, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Suffredin and Tobolski (14).

Absent: Commissioner Beavers, Sims and Steele (3).

BOARD OF COMMISSIONERS OF COOK COUNTY

COMMISSIONERS

**REQUEST TO AMEND A PREVIOUSLY APPROVED REALLOCATION
OF 9TH DISTRICT PERSONNEL RESOURCES**

Transmitting a Communication, dated June 9, 2011 from

PETER N. SILVESTRI, County Commissioner

requesting that the Board of Commissioners approve as amended the following item, which was previously approved on the November 16, 2010 County Board Agenda, (New Item #21).

The amendment is indicated by the underscored and stricken language:

Transmitting a Communication, dated November 12, 2010 from

PETER N. SILVESTRI, County Commissioner

RE: Reallocation of 9th District Personnel Resources

Michael Szott, formerly of my staff, vacated the Grade 24, Assistant to Commissioner position effective on Monday June 28, 2010. Michael's last day on the County payroll was Friday, June 25, 2010. His current annual salary was \$53,974.00 plus benefits.

The position was accepted by Michael Gamboney and his employment began with the pay period beginning July 4, 2010. The salary for this position was lowered by \$13,974.00 his annual salary will be \$40,000.00 annually plus benefits.

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I would like to divide the remaining ~~\$5,300.00~~ 3,945.00 after payout of Michael Szott for FY 2010, and add to the current salary of the members of my staff listed below as follows:

\$3,000.00	monthly to Employee #372350 (Diane Viverito) from \$70,908.00 to \$73,908.00 (4% increase <u>retroactively dated to December 1, 2009</u>).
\$1,300.00	monthly to Employee #373727 (Robert Bulleri) from \$92,643.00 to \$93,943.00 (1% increase <u>retroactively dated to December 1, 2009</u>).
\$1,000.00 945.00	monthly to Employee #462507 (Marybeth Hoerner) from \$37,040.00 to \$38,040.00 37,985.00 (3% increase <u>retroactively dated to December 1, 2009</u>).

~~\$5300.00~~ 3,945.00

Estimated Fiscal Impact: ~~\$5,300.00~~ 3,945.00. (490-115 Account).

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Daley, moved that the request of the Commissioner to amend the Reallocation of the 9th District Personnel Resources be approved. **The motion carried unanimously.**

**REQUEST TO DISCHARGE COMMUNICATION NOS. 312117 AND 312118
FROM THE FINANCE COMMITTEE**

This item was deferred at the June 1, 2011 Board Meeting:

Submitting an Ordinance sponsored by

LARRY SUFFREDIN, County Commissioner

Co-Sponsored by

EARLEAN COLLINS, County Commissioner

**ORDINANCE
AN AMENDMENT TO THE COOK COUNTY VEHICLE CODE**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 82 Traffic & Vehicles, Section 82-10, Section 82-76, Section 82-77, Section 82-88, Section 82-89, Section 82-97, Section 82-98, Section 82-99, Section 82-127, Section 82-133, Section 82-140, Section 82-141, Section 82-142, Section 82-143, Section 82-144, Section 82-145, Section 82-148, Section 82-149, Section 82-150, Section 82-154, Section 82-155, Section 82-177, Section 82-179, Section 82-182 and Section 82-187 of the Cook County Code are hereby amended as follows:

Sec. 82-10. Traffic control devices and signals.

(a) The Cook County Board of Commissioners is hereby authorized to approve the placement, erection and maintenance of traffic control devices as provided in the traffic code, as required to make effective the traffic ordinance of the County, and as necessary to guide and warn traffic. The Highway Department is also authorized to place and maintain temporary traffic-control devices as

needed in connection with construction or special events or experimental devices for the purposes of an engineering study; provided, however, such devices shall not be maintained for longer than 180 days without ~~city council~~ County Board approval. Upon authorization by the Cook County Board of Commissioners, the actual erection, placement and maintenance of any traffic-control device shall be performed by the Highway Department. All traffic-control devices placed and maintained pursuant to the traffic code shall conform to the manual and specifications approved by the State of Illinois Department of Transportation and shall so far as practicable be uniform as to type and location throughout the County. All traffic-control devices so erected and not inconsistent with the provisions of state law or this Ordinance shall be official traffic-control devices.

(b) The driver of any vehicle shall obey the instructions of any applicable traffic control device placed in accordance with the provisions of the vehicle code, unless otherwise directed by a police officer or other authorized personnel.

a. No operator of a vehicle shall attempt to avoid obedience to any traffic-control device by driving upon or through any private property, alley or traffic island.

(c) No provision of any traffic ordinance for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state that signs or other devices are required, such section shall be effective even though no signs or other devices are erected or in place.

Any person violating subsections (b) or (c) of this section shall be fined no less than \$90.00 and no more than \$300.00.

Sec. 82-76. Unauthorized signs declared a nuisance--exceptions.

(a) No person shall place, maintain, or display upon or in view of any public way any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain upon any public way any traffic sign or signal bearing thereon any commercial advertising.

(b) Every person ~~convicted~~ found in ~~of a~~ violation of this section shall be fined not less than \$100.00 nor more than \$500.00 for each offense. Every sign, signal, or marking prohibited under this section is hereby declared to be a public nuisance, and the ~~commissioner of transportation~~ County Superintendent of Highways or his designee is empowered to and shall remove the same or cause it to be removed without notice.

(c) This section shall not apply to crossing guards displaying portable stop signs to permit the street crossing of children or to "Neighborhood Watch" signs installed and maintained by local residents or organizations; provided, however, that "Neighborhood Watch" signs shall be uniform in size, color and design as approved by the Sheriff's Police Department and shall be installed only on residential streets, at least eight feet above curb grade, not less than 150 feet from any intersection and in such a manner as not to obstruct any traffic or other regulatory sign or signal. This section also shall not be deemed to prohibit the erection, upon private property adjacent to public ways, of signs giving useful directional information and of a type that cannot be mistaken for official traffic signs.

Sec. 82-77. Obstruction of or interference with traffic.

Any person who shall willfully and unnecessarily hinder, obstruct or delay or who shall willfully and unnecessarily attempt to hinder, obstruct or delay any other person in lawfully driving or traveling along or upon any street or who shall offer to barter or sell any merchandise or service on the street so as to interfere with the effective movement of traffic or who shall repeatedly cause motor vehicles traveling on public thoroughfares to stop or impede the flow of traffic shall be subject to a fine of \$200.00 ~~guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$200.00 or imprisoned for not more than ten days, or both, for the first offense, fined not more than \$500.00 or imprisoned for not more than 20 days, or both, for the second offense, and fined not more than 30 days, or both, for each such subsequent offense.~~

Sec. 82-88. ~~Violation of posted signs; penalty~~ Reserved

~~(a) — No person shall stop, park or leave standing at any time any vehicle, whether attended or unattended, within the right of way of any roadway under the jurisdiction of the County where necessary signs are posted prohibiting parking, which such signs shall be posted at the discretion of the Cook County Superintendent of Highways.~~

~~(b) — Every person found in violation of this section shall be fined not less than \$50.00 and not more than \$100.00 for each offense. guilty of violating this section shall be guilty of a misdemeanor and be punished by a fine of not less than \$5.00 and not more than \$100.00 for each offense~~

Sec. 82-89. Stopping, standing or parking outside of business or residential district.

(a) *Unobstructed width opposite a standing vehicle.* Outside a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practical to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) *Posting signs.* The Cook County Department of Highways with respect to highways under its jurisdiction or for the maintenance of which it is responsible may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Any such regulations adopted by the Department regarding the stopping, standing or parking of vehicles upon any specific street, streets or highways become effective at the time of the erection of appropriate signs indicating such regulations. Any such signs may be erected by the Department or by a local authority with the approval of the State Department of Transportation.

(c) *Exception.* This section and Sections 82-93 and 82-94 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position

(d) Every person found in violation of this section shall be fined \$50.00.

Sec. 82-97. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway, under jurisdiction of the County or in any public off-street parking facility for any of the following purposes:

- (a) To display such vehicle for sale;
- (b) To perform maintenance or repair such vehicle, except for repairs necessitated by an emergency;
- (c) To sell merchandise from such vehicle.
- (d) Any person who violates any provision of this section ~~subsection (a)~~ shall be fined \$50.00 for each offense. ~~Any person who violates subsections (b) or (c) above shall be fined \$25.00 for each offense.~~

Sec. 82-98. Unattended motor vehicles.

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(b) Nothing in this section prohibits the use of a remote ignition start device which is capable of starting a vehicle's ignition without the vehicle's ignition key, if (a) the vehicle is equipped with an anti-theft feature which prevents the vehicle from being driven without the ignition key being properly inserted; and (b) the owner of the vehicle displays on the vehicle a decal or sticker indicating the presence of such a remote ignition start device. Every person found in violation of this section shall be fined \$50.00

Sec. 82-100. Removal of ~~parking permit or~~ a notice of violation

(a) It shall be unlawful for any person, other than the driver of the vehicle, to remove from a vehicle a notice of violation affixed pursuant to the vehicle code.

(b) Every person found in violation of this section shall be fined not less than \$100.00.

Sec. 82-127. Safety belts.

(a) Each driver and front seat passenger of a passenger motor vehicle shall wear' properly adjusted and fastened seat safety belts, except that a child less than six years of age shall be protected as required by the Child Passenger Protection Act of the State of Illinois. Each driver of a passenger motor vehicle transporting a child six years of age or more, but less than 16 years of age, in the front seat of a passenger motor vehicle shall be responsible for securing such child in a properly adjusted and fastened seat safety belt. For the purposes of this section, use of seat safety belts shall include the use of shoulder harnesses where such harness is a standard part of the equipment of the passenger motor vehicle.

(b) All school buses, as defined in Section 1-182 of the Illinois Vehicle Code, codified as 625 ILCS 511-182, as amended, that meet the minimum Federal Motor Vehicle Safety Standards 222 for the purposes of transporting children 18 and under shall be equipped with an individual set of seat safety belts meeting Federal Motor Vehicle Safety Standards 208 and 209 as they apply to a multi-passenger

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vehicle with a gross weight at or under 10,000 pounds, in good operating condition for each passenger. No school bus shall be operated unless all passengers' safety belts are fastened.

- a. The provisions of this section shall not apply to:
1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour;
 2. A driver or passenger possessing a written statement from a physician that he or she is unable for medical or physical reasons to wear a seat safety belt;
 3. A driver or passenger possessing a certificate or license endorsement issued by the Motor Vehicle Division of the state or a similar agency in another state or county indicating that the driver or passenger is unable for medical, physical or other valid reasons to wear a seat safety belt;
 4. A driver operating a motor vehicle in reverse;
 5. A passenger motor vehicle manufactured before January 1, 1965;
 6. A motorcycle, motortricycle or moped;
 7. Any passenger motor vehicle which is not required to be equipped with seat safety belts under state or federal law, except school buses;
 8. A passenger motor vehicle operated by a postal carrier of the United States Postal Service while such carrier is performing his or her duties as a postal carrier; or
 9. A school bus transporting students who reside and attend schools situated outside of the ~~city~~ county.
- (c) Any person who shall violate the provisions of this section shall be fined ~~\$25.00~~ \$75.00

Sec. 82-133. Metal-tired vehicles or equipment.

No person shall drive, move, or park on any public way, under the County's jurisdiction any metal-tired vehicle or equipment having on the periphery of any wheel a block stud, flange, cleat, or spike or any other protuberance of any metal other than rubber which projects beyond the tread of the traction surface of the tire; provided, however, it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, mud or other conditions tending to cause a vehicle to skid. Every person found in violation of this section will be fined \$50.00.

Sec. 82-140. Jaywalking

No pedestrian shall cross a roadway other than in a crosswalk on any through street. Any person who shall violate this provision will be fined ~~\$10.00~~ \$25.00 for each offense.

Sec. 82-141. Limited access streets and highways--public pedestrian tunnels and bridges.

(a) No pedestrian shall cross the roadway of a limited-access street or highway other than by means of those facilities which have been constructed as pedestrian crossings or at those points where marked crosswalks have been provided.

(b) No pedestrian shall cross a roadway where a public pedestrian tunnel or bridge has been provided other than by way of the tunnel or bridge within a section to be determined by the Highway Department and to be so designated by the erection of appropriate signs or fencing.

(c) Any person found in violation of this Section will be fined ~~\$10.00~~ \$25.00.

Sec. 82-142. Pedestrian to yield right-of-way when.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) The foregoing rules in this section have no application under the conditions stated in Section 82-84 when pedestrians are prohibited from crossing at certain designated places.

(c) Any person found in violation of this Section will be fined ~~\$10.00~~ \$25.00.

Sec. 82-143. Pedestrian crossing.

(a) No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Any person found in violation of this Section will be fined ~~\$10.00~~ \$25.00.

Sec. 82-144. Use of crosswalk.

Pedestrians shall move whenever practicable upon the right side of crosswalks. Any person found in violation of this Section will be fined ~~\$10.00~~ \$25.00.

Sec. 82-145. Walking along roadways.

(a) Where sidewalks are provided it shall be unlawful for a pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a roadway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

(c) Any person in violation of this Section will be fined ~~\$20.00~~ \$25.00.

Sec. 82-148. ~~Imitation of blind persons prohibited.~~

~~It shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of Cook County any cane or walking stick which is white in color, or white with a red end on the bottom.~~

Sec. ~~82-149~~ 82-148. Pedestrians to exercise due care.

Nothing in this Article shall relieve a pedestrian from the duty of exercising due care.

Sec. ~~82-150~~ 82-149 – 82-154. Reserved.

Sec. 82-155. Rights and duties of bicycle riders.

(a) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this ~~city~~ county applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

(b) The regulations in the traffic code applicable to bicycles shall apply whenever a bicycle is operated upon any roadway or public sidewalk or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(c) Whenever authorized signs are erected indicating that no right or left turn or turn in the opposite direction is permitted, no person operating a bicycle shall disobey the direction of any such sign unless he dismounts from the bicycle to make the turn, in which event he shall then obey the regulations applicable to pedestrians.

(d) Every person found in ~~convicted of a~~ violation of any provision of Section 82-155 through 82-166 regulating bicycles shall be fined a minimum of \$25.00.

Sec. 82-177. Determination of liability

(a) A person on whom a parking or compliance violation notice has been served pursuant to Section 82-175 shall within seven days from the date of the notice: (1) pay the indicated fine; or, in the manner indicated on the notice, either (2) submit the materials set forth in Section 82-179 to obtain an adjudication by mail; or (3) request an administrative hearing as set forth in Section 82-~~177~~ 180 to contest the charged violation. A response by mail shall be deemed timely if postmarked within seven days of the issuance of the notice of violation.

Sec. 82-179. Adjudication by mail – procedure

(a) Administrative hearings to review materials submitted for the adjudication by mail of parking and compliance violations cited pursuant to Section 82-175 shall be held by an administrative law officer appointed by the county traffic compliance administrator and conducted in accordance with this Article.

(b) The respondent may contest a parking or compliance violation based on one or more of the grounds provided in Section ~~82-175~~ 82-178, by mailing to the department of revenue the following materials and information: the notice of violation, the full name, address and telephone number(s) of the respondent; the make, model and year of the vehicle; any documentary evidence that rebuts the charge;

and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge. A photocopy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.

(c) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking or compliance violation notice, or a copy thereof, issued in accordance with Section ~~82-178~~ 82-175 shall be prima facie evidence of the correctness of the facts specified therein.

(d) Upon review of the materials submitted in accordance with subsection (b) herein, the administrative law officer shall enter a determination of no liability or of liability in the amount of the fine for the relevant violation as provided in this Article. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Review Law of Illinois.

Sec. 82-182. Notice of final determination

(a) If any fine or penalty is owing and unpaid after a determination of liability under this ~~chapter~~ Article has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the county traffic compliance administrator shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 82-177(f).

(b) Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the county. Failure of the respondent to pay such fine or penalty within 14 days of the date of the notice may result in, the suspension of the person's driver's license for failure to pay fines or penalties for ten or more parking or compliance violations.

(c) The county shall withdraw a violation notice, following reasonable collection efforts, when such notice was issued to a state registered owner who is deceased at the time collection efforts are undertaken.

Sec. 82-187. Driver's license suspension.

(a) When a person has failed to pay any fine or penalty due and owing pursuant to this chapter on ten or more parking or compliance violations the county traffic compliance administrator shall cause a notice of impending driver's license suspension to be sent, in accordance with Section 82-177(f). The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the county's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings pursuant to Section 6-306.5 of the Illinois Vehicle Code.

(b) If a person sent a notice pursuant to subsection (a) fails to pay the amount owing within the time stated on the notice, the county traffic compliance administrator may file with the Secretary of State a certified report, in accordance with Section 6-306.5(c) of the Illinois Vehicle Code, that the person is eligible for initiation of suspension proceedings. The county traffic compliance administrator shall assess a \$20.00 filing fee against the person named in the certified report to reimburse the ~~city~~ County for the expense of preparing and filing the certified report with the Secretary of State.

(c) A person named in a certified report filed pursuant to subsection (b) may, within 21 days of the date of the notice sent by the Secretary of State pursuant to Section 6-306.5(b) of the Illinois Vehicle Code, file with the county traffic compliance administrator a written statement and supporting documentation to challenge the report; provided, however, the grounds for such challenge shall be limited

to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving ten or more parking or compliance violation notices or five or more automated red light violations on the date or dates such notices were issued or (2) the person having already paid the fine and penalty for the ten or more violations or five or more automated red light violations indicated on the report. The county traffic compliance administrator shall send notice of the decision on the challenge of the report after receipt thereof.

(d) If a person named in a certified report has paid the previously reported fine or penalty or if the report is determined by the county traffic compliance administrator to be in error, the county traffic compliance administrator shall notify the Secretary of State in accordance with Section 6-306.5(d) of the Illinois Vehicle Code. A certified copy of such notification shall be given, upon request and at no charge, to the person named therein.

Effective date: This Amended Ordinance shall be in effect July 1, 2011.

Commissioner Collins, seconded by Commissioner Silvestri, moved to defer consideration of on Communication Nos. 312117 and 312118. **The motion carried unanimously.**

**REQUESTING AUTHORIZATION TO RATIFY THE POLL
OF THE FINANCE SUBCOMMITTEE ON LITIGATION**

Transmitting a Communication, dated June 10, 2011 from

PETER N. SILVESTRI, County Commissioner

requesting that the poll of the Finance Subcommittee on Litigation which was approved on June 10, 2011, be ratified:

Poll Approved: June 10, 2011

Yeas: 7
Nays: 0
Absent: 0
Divided: 0
Present: 0

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Butler, moved that the Poll of the Finance Subcommittee on Litigation which was approved on June 10, 2011, be ratified. **The motion to ratify carried unanimously.**

PROPOSED ORDINANCE AMENDMENTS

Submitting a Proposed Ordinance Amendment sponsored by

JOAN PATRICIA MURPHY, County Commissioner

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO CLERK'S FEES ORDINANCE

WHEREAS, the General Assembly has passed and the Governor, on May 31, 2011, signed into law Public Act 97-0004, giving the Board of Commissioners the power to establish the amount of the fee for the issuance of marriage and civil union licenses; and

WHEREAS, the cost of a license to marry in Cook County has not increased for nearly 20 years; and

WHEREAS, a modest increase in the license fee, to mirror the pace of inflation, would generate an estimated \$600,000 in annual increased revenue for the county; and

WHEREAS, the database to track marriage licenses and certificates relies upon legacy technology that cannot interface with modern reporting tools or the internet; and

WHEREAS, the Clerk's Office has developed a new software system to administer civil union licenses; and

WHEREAS, adopting the same technology for the marriage license systems would enhance efficiency for the clerk's office.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Section 2-174 of the Cook County Code is hereby amended as follows:

Sec. 2-174. Vital records fees for County Clerk.

(a) *Birth records.* The Cook County Clerk shall continue to charge and collect a fee for the first copy, and a fee for each additional copy of a birth record as set out in Section 32-1.

(b) *Marriage records.* The Cook County Clerk shall charge and collect a fee for the issuance of a marriage license, sealing, filing and recording the same and the certificate thereunto as set out in Section 32-1. The Cook County Clerk shall continue to charge and collect a fee for the first copy, and a fee for each additional copy of a marriage record as set out in Section 32-1.

(c) *Death records.* The Cook County Clerk shall charge and collect a fee for the first copy, and a fee for each additional copy of a death record as set out in Section 32-1.

(d) *Genealogical records.* The County Clerk shall charge and collect a fee as set out in Section 32-1 for the first copy and a fee as set out in Section 32-1 for subsequent copies of any genealogical birth, death or marriage certificate.

(e) *Emergency fee.* The County Clerk shall charge and collect an emergency fee as set out in Section 32-1 for providing a copy of a vital record on an overnight basis. The emergency fee authorized in this subsection shall be in addition to any other fees authorized to be collected by the County Clerk for providing the requested document.

(f) *Waiver and refund of death record fee.* The County Clerk shall waive the County portion of the vital records fee for death records requested (first copy only) as set forth in Section 32-1 by those persons legally authorized to request and obtain a death certificate and seeking a copy of a death

certificate for a decedent buried at Burr Oak Cemetery. Said waiver shall apply only to death records indicating a date of death prior to July 6, 2009, and burial at Burr Oak Cemetery; the waiver extends only to the County's portion of the fee for the first copy only and shall not extend to requests for additional copies. The County Clerk is required to continue to collect a \$2.00 fee for the first copy of the death record as required by State Statute unless waived by the State. The waiver shall run through September 15, 2009 unless otherwise authorized by the Cook County Board of Commissioners. In accordance with the County Clerk's records, the County Clerk is hereby authorized to refund Cook County's portion of the death records fee for death records requested (first copy only) to those individuals who legally requested and obtained a death record/certificate since July 6, 2009, for a decedent buried at Burr Oak Cemetery.

(g) *Civil Union records.* The Cook County Clerk shall charge and collect a fee for the issuance of a civil union license, sealing, filing and recording the same and the certificate thereunto as set out in Section 32-1. The Cook County Clerk shall charge and collect a fee for the first copy, and a fee for each additional copy of a civil union record as set out in Section 32-1.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. Fee schedule.

The fees or charges provided for or required by the below listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
CHAPTER 2, ADMINISTRATION		
2-173(b)	Marriage application automation fee	5.00 7.50
2-173(c)	Civil Union application automation fee	5.00 7.50
<u>2-174(b)</u>	<u>Marriage license application fee</u>	<u>52.50</u>
<u>2-174(g)</u>	<u>Civil Union license application fee</u>	<u>52.50</u>

Commissioner Murphy, seconded by Commissioner Silvestri, moved that the communication be referred to the Committee on Finance. (Comm. No. 313121). **The motion carried unanimously.**

* * * * *

Submitting a Proposed Ordinance Amendment sponsored by

GREGG GOSLIN and BRIDGET GAINER, County Commissioners

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO THE COOK COUNTY VEHICLE POLICY

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VIII, Sections 2-671, 2-672 and 2-673 of the Cook County Code are hereby amended as follows:

Sec. 2-671. Establishment of a Countywide Vehicle Steering Committee.

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(a) The County Board hereby establishes a Vehicle Steering Committee (VSC) to work closely with the County Board's Finance Committee.

(b) The Vehicle Steering Committee shall be composed of the following departments and elected officials or their designees:

- (1) Chief Administrative Officer.
- (2) Chief of the Bureau of Information Technology.
- (3) Chief Financial Officer.
- (4) Chief of the Bureau of Human Resources.
- (5) Director of the Department of Budget and Management Services.
- (6) Purchasing Agent.
- (7) Superintendent of Highways.
- (8) Director of the Department of Risk Management.
- (9) Director of the Department of Environmental Control.
- (10) State's Attorney.
- (11) Sheriff.
- (12) Clerk of the Circuit Court.
- (13) Chair of the Finance Committee of the County Board.
- (14) Chair of the Environmental Control Committee of the County Board.

(c) Department Heads and Vehicle Coordinators may be asked to attend as needed in order to discuss and resolve departmental issues.

(d) The Vehicle Steering Committee shall have the following responsibilities:

- (1) Develop a plan to centralize fleet management in the County to be presented to the County Board no later than ~~November 30, 2007~~ within 30 days. Such plan shall include the text of proposed ordinances, including projected costs and potential cost savings, necessary to implement centralized fleet management.
- (2) Determine if the County would benefit from a Countywide car sharing service. Findings to be presented to the County Board within 60 days. Such plan shall include the text of proposed ordinances, including projected costs and potential cost savings, necessary to implement a car sharing service Countywide and the next steps in the procurement process.

- (3) Develop a plan to centralize the purchase of routine maintenance services, major repair services and centralized purchase of body work services, Countywide, to be presented to the County Board within 60 days. Such plan shall include the text of proposed ordinances, including projected costs and potential cost savings, necessary to implement such services Countywide and the next steps in the procurement process.
- (4) Develop a plan to install Global Positioning Systems (GPS) and wireless technology for vehicle location and recordkeeping purposes in the current County vehicle fleet to be presented to the County Board within 60 days. Such plan shall include the text of proposed ordinances, including projected costs and potential cost savings, necessary to implement such services Countywide and the next steps in the procurement process.
- (2 5) Administer and ensure compliance with this article.
- (3 6) Advise and make recommendations to the President and Finance Committee.
- (4 7) Review all requests for the purchase or lease of vehicles for compliance with this article.
- (5 8) Review vehicle inventory, incident and other required reports from all County offices and departments, and ensure compliance with reporting requirements.
- (6 9) Establish ~~Develop~~ and establish a standard procedure to implement and enforce vehicle policies Countywide, to be submitted to the County Board within 60 days, including but not limited to;
 - a. Each Department Head and Vehicle Coordinator is required to submit and maintain the following information on a monthly basis for each car registered to their department, for quarterly reporting to the Cook County Board of Commissioners:
 - i. Department Number
 - ii. Make, Model and Year
 - iii. Style
 - iv. Color
 - v. Plate Number
 - vi. Vehicle Identification Number
 - vii. Detailed Vehicle Use Description
 - viii. Odometer Reading
 - ix. Fuel Type
 - x. City Miles Per Gallon
 - xi. Highway Miles Per Gallon
 - xii. Quarterly Fuel Costs
 - xiii. Aggregate Fuel Costs
 - xiv. Assigned Driver by name or pool car status
 - xv. Overnight parking location A. Street, City, State, Zip
 - xvi. Daytime parking location A. Street, City, State, Zip
 - xvii. Last service date for oil changes and routine maintenance
 - xviii. Quarterly maintenance costs
 - xix. Aggregate maintenance costs
 - xx. Any incident reports, including but not limited to; any City or State citation for illegal activity, any towing expenses, any accidents for which

the car was involved and any report of unauthorized use of a County-owned vehicle.

(7 ~~10~~) Prepare a ~~quarterly~~ monthly report to the Board of Commissioners, detailing all collision or use-related damage to County-owned vehicles and the status of the damaged vehicle, any violations resulting in the arrest of the driver of any County-owned vehicle, and any reported unauthorized use of a County-owned vehicle.

(8 ~~11~~) Submit ~~annual~~ quarterly reports to the Board detailing the changes as described herein to the vehicle inventory for the preceding ~~12~~ 3 months as well as a list of departments that have failed to submit updated information for the reporting period.

(9 ~~12~~) Review department vehicle requests approved by the Department of Budget and Management Services and included in the annual appropriation ordinance.

(10) ~~Develop future vehicle strategies in various areas such as:~~

- ~~a. Centralized purchase of routine maintenance services;~~
- ~~b. Centralized purchase of major repair services;~~
- ~~c. Centralized purchase of body work services;~~
- ~~d. Development of an executive leasing program;~~
- ~~f. Use of car sharing services;~~
- ~~g. Use of Global Positioning System (GPS) and wireless technology for vehicle location and recordkeeping purposes;~~
- ~~h. Establishment of personnel disciplinary procedures relating to the operation of vehicles during the course of employment; and~~
- ~~i. Other matters deemed appropriate.~~

(e) Meetings:

(1) Meetings will be chaired by the Chief Financial Officer.

(2) Meetings will be held quarterly at minimum

Sec. 2-672. Responsibilities of elected officials, departments, and employees and assignment of Vehicle Coordinator.

(a) Bureau chiefs, department heads, and elected officials are responsible for ensuring that Vehicle Steering Committee policies and procedures are administered and adhered to by employees within their offices.

(b) Vehicle Coordinator:

(1) Each Elected Official or Department Head will designate one employee to be the Vehicle Coordinator for the office. ~~On January 1 of Each year~~ quarter, the name, title, email address, and telephone number of the Vehicle Coordinator shall be filed with the Chairman of the Vehicle Steering Committee. The Coordinator may be asked to attend meetings of the Vehicle Steering Committee as required to review purchase requests, department inventories, review vehicle use issues, and other matters pertaining to this article.

- (2) Department Vehicle Coordinators are responsible for following procedures put in place within the Department and shall be responsible for keeping all records and preparing all reports required under this article. All forms and database formats required under these guidelines will be provided by the Vehicle Steering Committee. Vehicle Coordinators shall:
- a. Retain on file a copy of the valid license of each employee authorized to drive a County vehicle. The employee must at all times hold a valid proper class Illinois license for the vehicle operated that is not revoked or under suspension. The County's human resource staff shall consult on a monthly basis with the Illinois Secretary of State to check the license status of all employees required to operate vehicles as part of their job duties. The file is to be reviewed and updated on no less than a monthly basis and forwarded to the Board of Commissioners on no less than a quarterly basis. Verification of valid licenses of Sheriff's undercover officers shall be made without requiring pictures of such officers to be maintained on file except as held in the internal files of the Sheriff's Department.
 - b. File a County vehicle disclosure form for each employee whom the Department Head has authorized for overnight use of County vehicles. To facilitate tax withholding obligations for the vehicle benefits associated with take-home privileges, the Department shall identify all employees assigned a take-home vehicle to the Vehicle Steering Committee. To comply with IRS rules on tax treatment of employee vehicle fringe benefits, regular overnight County vehicle use will have an imputed per diem valuation added to an employee's W-2 form at the end of the year. Vehicles regularly used for emergency or law enforcement purposes are exempt from this requirement. Any vehicles which a department designates as exempt must be reported to the Vehicle Steering Committee.
 - c. Maintain vehicle inventory data, vehicle maintenance logs, accident logs, vehicle use logs and insurance cards in the form and format established by the Vehicle Steering Committee.
 - d. Each department shall prepare a report to the Vehicle Steering Committee ~~annually quarterly, by May 15,~~ detailing the Department's vehicle maintenance and repair procedures. The report will indicate whether routine maintenance is provided through contractual or in-house facilities and the protocol for routine maintenance, and the ~~annually quarterly~~ cost per vehicle. For departments with in-house vehicle services a detailed cost breakdown showing ~~annually quarterly~~ labor, parts and materials, fuel, and other costs for maintaining and operating the vehicle will be included. The report shall further detail the procedures utilized by the Department to provide for fuel supplies for each vehicle and for repairs including both routine and non-routine repairs.
 - e. ~~Submit an initial, accurate, up-to-date inventory reports by February 15, 2005. Subsequent inventory reports shall be submitted at least twice per year on May 15 and November 1~~ quarterly in accordance with Vehicle Steering Committee requirements. This inventory report shall at a minimum have the Department, business unit number, year, make/model/style, color, VIN number, license plate number, department internal I.D. number, use, odometer reading, in-service date, regular overnight and daytime parking location, driver assignment (if take-home vehicle), fuel type, city and highway mileage per gallon as determined by the

U.S. EPA and Department of Energy, American Council for an Energy-Efficient Economy's Green Score, and ~~annual~~ quarterly and aggregate fuel and maintenance costs from the time of purchase or lease for each vehicle assigned, allocated, or used by the Department. This inventory report must be updated and submitted to the Vehicle Steering Committee upon each request for acquisition or disposal of any vehicle in the inventory. Law enforcement vehicles used for undercover, special crimes units and surveillance purposes shall be exempt from disclosure of the vehicle's regular overnight and daytime parking location and driver assignment.

- (c) Purchase and salvage procedures:
 - (1) Requests for new or replacement vehicles (owned or leased) shall be submitted for review by the Vehicle Steering Committee prior to any such request being approved for purchase or acquisition. No vehicle shall be purchased, acquired, or leased without the approval of the Vehicle Steering Committee.
 - (2) The following guidelines will regulate county vehicle purchases and replacements:
 - a. In general, automobiles should be ~~replaced~~ sold when they reach eight years of service or ~~100,000~~ 60,000 miles, whichever comes first.
 - b. Departments shall request the smallest possible vehicle for the intended use.
 - c. Requests that do not meet these criteria will not be considered for replacement unless the Department Head submits a written justification to the Vehicle Steering Committee for the exception which documents the extenuating circumstances.
 - d. Only specialized equipment, such as heavy highway construction equipment, will be allowed to use other criteria such as hours of service; however, the criteria utilized by the Department should be submitted to justify the vehicle replacement request, and the Vehicle Steering Committee will determine if this information is adequate and the maintenance cost information required.
 - e. A request for a new vehicle which increases the number of vehicles in the department's vehicle inventory shall be submitted to the Vehicle Steering Committee with a written justification as to why the additional vehicles will be required. Such request must demonstrate that reassignment of existing vehicles would be unable to meet department needs and that sufficient funding is available for both the purchase and the cost of operating and maintaining the vehicle. The request to purchase must state the use intended for the vehicle, whether the vehicle will be assigned with "take-home" privileges, and whether the vehicle will bear a municipal license plate.
 - f. A request for a replacement vehicle for a car sold due to age or mileage shall be submitted to the Vehicle Steering Committee with written justification as to why the vehicle is required and why the stated need of the vehicle cannot be fulfilled by participation in a car-sharing program, if available. The request should include updated reports for the car to be replaced for the 12 month prior to its sale.

- f g. Departments shall submit draft vehicle requests to the Vehicle Steering Committee at the same time they submit capital budget requests to the Department of Budget and Management Services. Finalized vehicle requests shall be submitted to the Vehicle Steering Committee within one month of Board approval of the annual appropriation ordinance or the beginning of the fiscal year, whichever is later.
 - g h. If sufficient funds are available and other conditions of the ordinance have been complied with, the Vehicle Steering Committee may concur in the request for new or replacement vehicles. Such concurrence shall be transmitted to the Purchasing Agent, and where County Board approval is required for the purchase, such concurrence shall be reflected on the County Board's Agenda.
- (3) New County Vehicle purchases must adhere to the following green vehicle purchasing guidelines:
- a. Requested vehicles must meet the requirements specific to their class, as follows:
 - 1. Compact Car:
Minimum ACEEE Green Score: 35
Tier range: Tier 2 bin 2 - Tier 2 bin 5/ULEV II – PZEV
Minimum MPG City: 22
Minimum MPG Highway: 32
ACEEE Class Ranking: Above Average - Superior
 - 2. Midsize Car:
Minimum ACEEE Green Score: 35
Tier range: Tier 2 bin 2 - Tier 2 bin 5 / ULEV II – PZEV
Minimum MPG City: 20
Minimum MPG Highway: 30
ACEEE Class Ranking: Above Average - Superior
 - 3. Large Car:
Minimum ACEEE Green Score: 35
Tier range: Tier 2 bin 2 - Tier 2 bin 5 / ULEV II – PZEV
Minimum MPG City: 19
Minimum MPG Highway: 28
ACEEE Class Ranking: Above Average - Superior
 - 4. Station Wagon:
Minimum ACEEE Green Score: 35
Tier range: Tier 2 bin 3 - Tier 2 bin 5 / ULEV II – PZEV
Minimum MPG City: 23
Minimum MPG Highway: 30
ACEEE Class Ranking: Above Average - Superior
 - 5. Sport Utility Vehicle:
Minimum ACEEE Green Score: 33
Tier range: Tier 2 bin 3 - Tier 2 bin 5 / ULEV II – PZEV
Minimum MPG City: 20

Minimum MPG Highway: 26
ACEEE Class Ranking: Above Average - Superior

6. Van:
Minimum ACEEE Green Score: 23
Tier range: Tier 2 bin 5 - Tier 2 bin 8 /LEV II – PZEV
Minimum MPG City: 15
Minimum MPG Highway: 20
ACEEE Class Ranking: Above Average - Superior
7. Light Truck:
Minimum ACEEE Green Score: 25
Tier range: Tier 2 bin 5 - Tier 2 bin 8 /LEV II – PZEV
Minimum MPG City: 16
Minimum MPG Highway: 21
ACEEE Class Ranking: Average - Above Average
8. *Other Vehicles:* Vehicles not included in any of the above classes shall be considered by the Vehicle Steering Committee on a case-by-case basis.

- b. Cost comparisons shall be made using total lifecycle costs rather than purchase price. Lifecycle costs shall include, but not be limited to, total purchase price, estimated fuel expenditure, and estimated maintenance costs over the expected lifetime of the vehicle.

- (4) Titles for all County vehicles will be held in the Purchasing Department.
- (5) Where a Department is requesting to lease vehicles, the request must include a copy of the proposed lease contract, ~~particularly~~ including all terms of the lease with respect to lease costs, maintenance costs and responsibility, and liability for accidents. Leased vehicles shall also be evaluated using the environmental criteria listed in Subsection (c)(3) of this section.
- (6) The Vehicle Steering Committee may adopt policies governing the salvage of vehicles by Departments. Such policies shall ensure that the disposal of County vehicles occurs in an open and equitable manner and obtains the highest practicable salvage value.

(d) Failure of Department Heads to provide information in accordance with this article shall result in the Department's inability to acquire County vehicles, and other actions deemed necessary by the Vehicle Steering Committee, until this information is received.

Sec. 2-673. Authorized use of County vehicles.

(a) Only vehicles that have been authorized by an elected official or department head, have VIN numbers registered in the County Purchasing Department, carry a valid insurance card issued to the Department by the Department of Risk Management, and meet all other requirements of this section shall be considered County vehicles for use in the course of conducting official County business.

(b) Unless expressly exempted by the Department Head, and approved by the Vehicle Steering Committee, all County vehicles must carry a municipal license plate.

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(c) It is the goal of Cook County that as many vehicles as ~~practicable~~ practical be equipped with Global Positioning System (GPS) technology. ~~The Vehicle Steering Committee may develop proposals and guidelines for the deployment of such technology and the use of the resulting vehicle location information and shall present such proposals and guidelines to the Board for approval.~~

(d) The Chief Administrative Officer shall establish a telephone hotline which members of the public may call to report incidents involving County vehicles. The Inspector General shall have the responsibility of investigating any reports of misuse of County vehicles and shall submit an ~~annual~~ quarterly report to the Vehicle Steering Committee and County Board regarding the number and nature of hotline calls and the actions taken in response.

(e) With the exception of law enforcement vehicles used for undercover, special crimes units and surveillance purposes, all County vehicles at all times shall be emblazoned on both sides with the County name, corporate seal, name of the Department to which the vehicle is assigned, vehicle hotline telephone number, and a short statement identifying the hotline to the general public (e.g., "To report incidents involving this vehicle, call (telephone number)"). Except as otherwise provided, exemptions must be requested by the Department Head and approved by the Vehicle Steering Committee and may only be granted where the anonymity of the vehicle is required.

(f) Daily ~~V~~vehicle usage logs must be maintained for each County vehicle and include the following information: name of driver; date used; beginning and ending odometer reading; destination; purpose of use; date and time of refueling; and amount of fuel. Where the anonymity of the vehicle and the driver is required, law enforcement vehicles shall be exempt from disclosure of destination information.

(g) Only authorized passengers are permitted to ride in County vehicles. ~~Non-County individuals such as volunteers, spouses, and children should not be passengers in a County owned or operated vehicle unless they are being transported pursuant to official law enforcement or judicial business. unless they are involved in the conduct of business.~~

(h) County vehicles are to be assigned to individuals who, in the required course of their employment, need vehicles to complete their required duties on behalf of the County government.

(i) Eligibility for County vehicle assignment.

b. *Take-home assignment.* A County vehicle may only be assigned to employees in a service, management or supervisory position on call 24 hours a day, responsible for providing or supporting emergency services. A vehicle disclosure form shall be used and remain on file in the Department for all "take-home" vehicles.

(2) *Pool assignment.* Pool vehicles are to be assigned on a periodic basis to individuals when the County work assignment requires a vehicle in order to properly conduct County business. A summary of the work assignment, vehicle disclosure form and daily log shall be used and remain on file in the Department for all pool vehicles which are taken home overnight. Those employees authorized for overnight use of County vehicles shall, when away from work for ~~an extended period of time~~ longer than 48 hours, for vacation, sick leave, compensatory time off, travel, etc., return the assigned County vehicle to the custody of his/her department head during the period of absence.

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- a. No person shall be authorized to drive a County vehicle unless he/she:
1. Possesses a current, valid Illinois driver's license with the correct class for the vehicle driven.
 2. Is the age of 18 or older.
 3. Is the age of 25 or older to drive a leased or rented car.
 4. Is medically fit to drive safely.
 5. Has acknowledged by way of signed waiver his or her complete compliance with the rules and regulations as described herein.
 56. Is free of any prior convictions for driving while under the influence of alcohol or drugs, or of reckless driving within the previous year. Employees operating a commercial vehicle must comply with all of the requirements of the Commercial Motor Vehicle Safety Act of 1986.
 67. All prospective employees who are professional drivers or whose primary duty is the operation of a vehicle shall be required to submit to a driving records check after receiving a conditional offer of employment. The Cook County Bureau of Human Resources, as part of a pre-employment background investigation, shall coordinate driver checks. Failure to have a valid Illinois driver's license of the proper type or the existence of a disqualifying driver's record will be grounds to withdraw the conditional offer of employment.
 78. Any employee performing work which requires the operation of a County-owned vehicle or a private vehicle at County expense shall notify his/her immediate supervisor immediately of any current restrictions or changes in driving privileges, including but not limited to revocation, suspension, cancellation, denial, Restricted Driving Permit, Judicial Driving Permit, Probationary License, Family Financial Responsibility Driving Permit, leaving the scene of an accident, refusal or neglect to report a traffic accident, traffic violations, unpaid traffic citations, failure of vehicle titled in the employee's name to pass the vehicle emissions testing, or unpaid parking citations for a vehicle titled in the employee's name. Any restrictions or changes to driving privileges shall be reported by the employee to the employee's Bureau Chief or Elected Official immediately and a record maintained in the department. Any employee who fails to report, and/or continues to operate a vehicle in the performance of County duties, is subject to disciplinary action up to and including termination from County employment.
 89. Employees are held personally responsible for all parking and/or traffic violations incurred while operating County vehicles.
 10. Any employee who fails to follow these rules and regulations is subject to disciplinary action up to and including termination from County employment.

- b. Collision Procedures. The following collision procedures are to be followed by drivers involved in collisions while operating a County or personal vehicle on County business, and by the department head:
 - 1. Request that all parties remain and render assistance at the scene of the accident, if possible, until a law enforcement representative has released them.
 - 2. Promptly report all accidents involving vehicles or persons on duty and actively engaged in County business to the appropriate law enforcement agency, department vehicle coordinator, and the Department of Risk Management.
 - 3. A record of all driving violations for each employee shall be maintained by the Department Vehicle Coordinator including the date; time; employee name; vehicle identification number; incident report number; date and time report was forwarded to the Department of Risk Management; date reported to the Vehicle Steering Committee and personnel actions taken by the Department against the employee.
 - 4. Logs of all accidents shall be maintained by the Department's Vehicle Coordinator. Department Heads are to review each collision report prior to their submission to the Department of Risk Management to determine if the employee was at fault and take appropriate personnel action. Department Heads are to prepare a report on their findings and personnel actions taken, and forward it to the Vehicle Steering Committee chairman along with a copy of the accident report forwarded to the Department of Risk Management.
 - 5. Drivers involved in collisions are to refrain from making statements regarding the accident to anyone other than the investigating law enforcement officials, appropriate County officials, and representatives of his or her own insurance company if the employee's privately owned vehicle is involved.
 - 6. Drivers will also complete a Vehicle Incident Form and forward it to the Department of Risk Management's General Liability Division as well as the Department's Vehicle Coordinator within 24 hours of the accident.
 - 7. Drivers will also forward copies of all police reports, an employee statement and any witness statements to the Vehicle Coordinator and Department Head, and to the Department of Risk Management's General Liability Division no more than three days after completion of the investigation.
- c. Use of private vehicles for County business:
 - 1. County employees, with the prior permission of their Department Head, may use their private vehicle to conduct official County business.

Department Heads shall only approve the use of private vehicles for County business when it is in the best interest of the County to do so.

2. A valid proof of insurance is required to operate a private vehicle and a copy must be filed with the Department's Vehicle Coordinator.
3. Employees authorized to use their personal vehicles for County business shall comply with the following insurance requirements:
 - (i) County employees who drive a private vehicle for official County business shall have at least the minimum auto insurance for private vehicles as required by the State of Illinois.
 - (ii) Employees operating private vehicles in the performance of County duties should have minimum limits of no less than \$100,000.00 per person, \$300,000.00 per accident and have Uninsured Motorist/Under-insured Motorist coverage.
 - (iii) The employee's vehicle insurance policy must be issued by a company that is licensed by the Illinois State Department of Insurance.
 - (iv) In the event a County employee is involved in an accident while driving his/her own vehicle, the employee's personal insurance provides the primary coverage.
 - (v) Mileage reimbursement rates will be based on the Cook County Travel and Expense Reimbursement Policy (separate document).

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Goslin, seconded by Commissioner Suffredin, moved that the Proposed Ordinance Amendment be referred to the Committee on Finance. (Comm. No. 313152). **The motion carried unanimously.**

ORDINANCE AMENDMENTS

11-O-58

ORDINANCE

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER

Co-Sponsored by

THE HONORABLE EARLEAN COLLINS, COUNTY COMMISSIONER

AN AMENDMENT TO THE COOK COUNTY VEHICLE CODE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 82 Traffic & Vehicles, Section 82-10, Section 82-76, Section 82-77, Section 82-88, Section 82-89, Section 82-97, Section 82-98, Section 82-99, Section 82-127, Section 82-133, Section 82-140, Section 82-141, Section 82-142, Section 82-143, Section 82-144, Section 82-145, Section 82-148, Section 82-149, Section 82-150, Section 82-154, Section 82-155, Section 82-177, Section 82-179, Section 82-182 and Section 82-187 of the Cook County Code are hereby amended as follows:

Sec. 82-10. Traffic control devices and signals.

(a) The Cook County Board of Commissioners is hereby authorized to approve the placement, erection and maintenance of traffic control devices as provided in the traffic code, as required to make effective the traffic ordinance of the County, and as necessary to guide and warn traffic. The Highway Department is also authorized to place and maintain temporary traffic-control devices as needed in connection with construction or special events or experimental devices for the purposes of an engineering study; provided, however, such devices shall not be maintained for longer than 180 days without ~~city council~~ County Board approval. Upon authorization by the Cook County Board of Commissioners, the actual erection, placement and maintenance of any traffic-control device shall be performed by the Highway Department. All traffic-control devices placed and maintained pursuant to the traffic code shall conform to the manual and specifications approved by the State of Illinois Department of Transportation and shall so far as practicable be uniform as to type and location throughout the County. All traffic-control devices so erected and not inconsistent with the provisions of state law or this Ordinance shall be official traffic-control devices.

(b) The driver of any vehicle shall obey the instructions of any applicable traffic control device placed in accordance with the provisions of the vehicle code, unless otherwise directed by a police officer or other authorized personnel.

- a. No operator of a vehicle shall attempt to avoid obedience to any traffic-control device by driving upon or through any private property, alley or traffic island.

(c) No provision of any traffic ordinance for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinary observant person. Whenever a particular section does not state that signs or other devices are required, such section shall be effective even though no signs or other devices are erected or in place.

Any person violating subsections (b) or (c) of this section shall be fined no less than \$90.00 and no more than \$300.00.

Sec. 82-76. Unauthorized signs declared a nuisance--exceptions.

(a) No person shall place, maintain, or display upon or in view of any public way any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain upon any public way any traffic sign or signal bearing thereon any commercial advertising.

(b) Every person ~~convicted~~ found in ~~of a~~ violation of this section shall be fined not less than \$100.00 nor more than \$500.00 for each offense. Every sign, signal, or marking prohibited under this section is hereby declared to be a public nuisance, and the ~~commissioner of transportation~~ County Superintendent of Highways or his designee is empowered to and shall remove the same or cause it to be removed without notice.

(c) This section shall not apply to crossing guards displaying portable stop signs to permit the street crossing of children or to "Neighborhood Watch" signs installed and maintained by local residents or organizations; provided, however, that "Neighborhood Watch" signs shall be uniform in size, color and design as approved by the Sheriff's Police Department and shall be installed only on residential streets, at least eight feet above curb grade, not less than 150 feet from any intersection and in such a manner as not to obstruct any traffic or other regulatory sign or signal. This section also shall not be deemed to prohibit the erection, upon private property adjacent to public ways, of signs giving useful directional information and of a type that cannot be mistaken for official traffic signs.

Sec. 82-77. Obstruction of or interference with traffic.

Any person who shall willfully and unnecessarily hinder, obstruct or delay or who shall willfully and unnecessarily attempt to hinder, obstruct or delay any other person in lawfully driving or traveling along or upon any street or who shall offer to barter or sell any merchandise or service on the street so as to interfere with the effective movement of traffic or who shall repeatedly cause motor vehicles traveling on public thoroughfares to stop or impede the flow of traffic shall be subject to a fine of \$200.00 ~~guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$200.00 or imprisoned for not more than ten days, or both, for the first offense, fined not more than \$500.00 or imprisoned for not more than 20 days, or both, for the second offense, and fined not more than 30 days, or both, for each such subsequent offense.~~

Sec. 82-88. ~~Violation of posted signs; penalty~~ Reserved

~~(a) — No person shall stop, park or leave standing at any time any vehicle, whether attended or unattended, within the right of way of any roadway under the jurisdiction of the County where necessary signs are posted prohibiting parking, which such signs shall be posted at the discretion of the Cook County Superintendent of Highways.~~

~~(b) — Every person found in violation of this section shall be fined not less than \$50.00 and not more than \$100.00 for each offense. guilty of violating this section shall be guilty of a misdemeanor and be punished by a fine of not less than \$5.00 and not more than \$100.00 for each offense~~

Sec. 82-89. Stopping, standing or parking outside of business or residential district.

(a) *Unobstructed width opposite a standing vehicle.* Outside a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practical to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) *Posting signs.* The Cook County Department of Highways with respect to highways under its jurisdiction or for the maintenance of which it is responsible may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such

stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Any such regulations adopted by the Department regarding the stopping, standing or parking of vehicles upon any specific street, streets or highways become effective at the time of the erection of appropriate signs indicating such regulations. Any such signs may be erected by the Department or by a local authority with the approval of the State Department of Transportation.

(c) *Exception.* This section and Sections 82-93 and 82-94 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position

(d) Every person found in violation of this section shall be fined \$50.00.

Sec. 82-97. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway, under jurisdiction of the County or in any public off-street parking facility for any of the following purposes:

- (a) To display such vehicle for sale;
- (b) To perform maintenance or repair such vehicle, except for repairs necessitated by an emergency;
- (c) To sell merchandise from such vehicle.

(d) Any person who violates any provision of this section ~~subsection (a)~~ shall be fined \$50.00 for each offense. ~~Any person who violates subsections (b) or (c) above shall be fined \$25.00 for each offense.~~

Sec. 82-98. Unattended motor vehicles.

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(b) Nothing in this section prohibits the use of a remote ignition start device which is capable of starting a vehicle's ignition without the vehicle's ignition key, if (a) the vehicle is equipped with an anti-theft feature which prevents the vehicle from being driven without the ignition key being properly inserted; and (b) the owner of the vehicle displays on the vehicle a decal or sticker indicating the presence of such a remote ignition start device. Every person found in violation of this section shall be fined \$50.00

Sec. 82-100. Removal of ~~parking permit or a~~ notice of violation

(a) It shall be unlawful for any person, other than the driver of the vehicle, to remove from a vehicle a notice of violation affixed pursuant to the vehicle code.

(b) Every person found in violation of this section shall be fined not less than \$100.00.

Sec. 82-127. Safety belts.

(a) Each driver and front seat passenger of a passenger motor vehicle shall wear' properly adjusted and fastened seat safety belts, except that a child less than six years of age shall be protected as required by the Child Passenger Protection Act of the State of Illinois. Each driver of a passenger motor vehicle transporting a child six years of age or more, but less than 16 years of age, in the front seat of a passenger motor vehicle shall be responsible for securing such child in a properly adjusted and fastened seat safety belt. For the purposes of this section, use of seat safety belts shall include the use of shoulder harnesses where such harness is a standard part of the equipment of the passenger motor vehicle.

(b) All school buses, as defined in Section 1-182 of the Illinois Vehicle Code, codified as 625 ILCS 511-182, as amended, that meet the minimum Federal Motor Vehicle Safety Standards 222 for the purposes of transporting children 18 and under shall be equipped with an individual set of seat safety belts meeting Federal Motor Vehicle Safety Standards 208 and 209 as they apply to a multi-passenger vehicle with a gross weight at or under 10,000 pounds, in good operating condition for each passenger. No school bus shall be operated unless all passengers' safety belts are fastened.

c. The provisions of this section shall not apply to:

1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour;
2. A driver or passenger possessing a written statement from a physician that he or she is unable for medical or physical reasons to wear a seat safety belt;
3. A driver or passenger possessing a certificate or license endorsement issued by the Motor Vehicle Division of the state or a similar agency in another state or county indicating that the driver or passenger is unable for medical, physical or other valid reasons to wear a seat safety belt;
4. A driver operating a motor vehicle in reverse;
5. A passenger motor vehicle manufactured before January 1, 1965;
6. A motorcycle, motortricycle or moped;
7. Any passenger motor vehicle which is not required to be equipped with seat safety belts under state or federal law, except school buses;
8. A passenger motor vehicle operated by a postal carrier of the United States Postal Service while such carrier is performing his or her duties as a postal carrier; or
9. A school bus transporting students who reside and attend schools situated outside of the ~~city~~ county.

(c) Any person who shall violate the provisions of this section shall be fined ~~\$25.00~~ \$75.00

Sec. 82-133. Metal-tired vehicles or equipment.

No person shall drive, move, or park on any public way, under the County's jurisdiction any metal-tired vehicle or equipment having on the periphery of any wheel a block stud, flange, cleat, or spike or any other protuberance of any metal other than rubber which projects beyond the tread of the traction surface of the tire; provided, however, it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, mud or other conditions tending to cause a vehicle to skid. Every person found in violation of this section will be fined \$50.00.

Sec. 82-140. Jaywalking

No pedestrian shall cross a roadway other than in a crosswalk on any through street. Any person who shall violate this provision will be fined ~~\$10.00~~ \$25.00 for each offense.

Sec. 82-141. Limited access streets and highways--public pedestrian tunnels and bridges.

(a) No pedestrian shall cross the roadway of a limited-access street or highway other than by means of those facilities which have been constructed as pedestrian crossings or at those points where marked crosswalks have been provided.

(b) No pedestrian shall cross a roadway where a public pedestrian tunnel or bridge has been provided other than by way of the tunnel or bridge within a section to be determined by the Highway Department and to be so designated by the erection of appropriate signs or fencing.

(c) Any person found in violation of this Section will be fined ~~\$10.00~~ \$25.00.

Sec. 82-142. Pedestrian to yield right-of-way when.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) The foregoing rules in this section have no application under the conditions stated in Section 82-84 when pedestrians are prohibited from crossing at certain designated places.

(c) Any person found in violation of this Section will be fined ~~\$10.00~~ \$25.00.

Sec. 82-143. Pedestrian crossing.

(a) No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Any person found in violation of this Section will be fined ~~\$10.00~~ \$25.00.

Sec. 82-144. Use of crosswalk.

Pedestrians shall move whenever practicable upon the right side of crosswalks. Any person found in violation of this Section will be fined ~~\$10.00~~ \$25.00.

Sec. 82-145. Walking along roadways.

(a) Where sidewalks are provided it shall be unlawful for a pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a roadway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

(c) Any person in violation of this Section will be fined ~~\$20.00~~ \$25.00.

~~Sec. 82-148. Imitation of blind persons prohibited.~~

~~It shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of Cook County any cane or walking stick which is white in color, or white with a red end on the bottom.~~

~~Sec. 82-149~~ 82-148. Pedestrians to exercise due care.

Nothing in this Article shall relieve a pedestrian from the duty of exercising due care.

~~Sec. 82-150~~ 82-149 – 82-154. Reserved.

Sec. 82-155. Rights and duties of bicycle riders.

(a) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this ~~city~~ county applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

(b) The regulations in the traffic code applicable to bicycles shall apply whenever a bicycle is operated upon any roadway or public sidewalk or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(c) Whenever authorized signs are erected indicating that no right or left turn or turn in the opposite direction is permitted, no person operating a bicycle shall disobey the direction of any such sign unless he dismounts from the bicycle to make the turn, in which event he shall then obey the regulations applicable to pedestrians.

(d) Every person found in ~~convicted of a~~ violation of any provision of Section 82-155 through 82-166 regulating bicycles shall be fined a minimum of \$25.00.

Sec. 82-177. Determination of liability

(a) A person on whom a parking or compliance violation notice has been served pursuant to Section 82-175 shall within seven days from the date of the notice: (1) pay the indicated fine; or, in the manner indicated on the notice, either (2) submit the materials set forth in Section 82-179 to obtain an adjudication by mail; or (3) request an administrative hearing as set forth in Section 82-~~177~~ 180 to contest the charged violation. A response by mail shall be deemed timely if postmarked within seven days of the issuance of the notice of violation.

Sec. 82-179. Adjudication by mail – procedure

(a) Administrative hearings to review materials submitted for the adjudication by mail of parking and compliance violations cited pursuant to Section 82-175 shall be held by an administrative law officer appointed by the county traffic compliance administrator and conducted in accordance with this Article.

(b) The respondent may contest a parking or compliance violation based on one or more of the grounds provided in Section ~~82-175~~ 82-178, by mailing to the department of revenue the following materials and information: the notice of violation, the full name, address and telephone number(s) of the respondent; the make, model and year of the vehicle; any documentary evidence that rebuts the charge; and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge. A photocopy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.

(c) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking or compliance violation notice, or a copy thereof, issued in accordance with Section ~~82-178~~ 82-175 shall be prima facie evidence of the correctness of the facts specified therein.

(d) Upon review of the materials submitted in accordance with subsection (b) herein, the administrative law officer shall enter a determination of no liability or of liability in the amount of the fine for the relevant violation as provided in this Article. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Review Law of Illinois.

Sec. 82-182. Notice of final determination

(a) If any fine or penalty is owing and unpaid after a determination of liability under this ~~chapter~~ Article has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the county traffic compliance administrator shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 82-177(f).

(b) Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the county. Failure of the respondent to pay such fine or penalty within 14 days of the date of the notice may result in, the suspension of the person's driver's license for failure to pay fines or penalties for ten or more parking or compliance violations.

(c) The county shall withdraw a violation notice, following reasonable collection efforts, when such notice was issued to a state registered owner who is deceased at the time collection efforts are undertaken.

Sec. 82-187. Driver's license suspension.

(a) When a person has failed to pay any fine or penalty due and owing pursuant to this chapter on ten or more parking or compliance violations the county traffic compliance administrator shall cause a notice of impending driver's license suspension to be sent, in accordance with Section 82-177(f). The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the county's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings pursuant to Section 6-306.5 of the Illinois Vehicle Code.

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(b) If a person sent a notice pursuant to subsection (a) fails to pay the amount owing within the time stated on the notice, the county traffic compliance administrator may file with the Secretary of State a certified report, in accordance with Section 6-306.5(c) of the Illinois Vehicle Code, that the person is eligible for initiation of suspension proceedings. The county traffic compliance administrator shall assess a \$20.00 filing fee against the person named in the certified report to reimburse the ~~city~~ County for the expense of preparing and filing the certified report with the Secretary of State.

(c) A person named in a certified report filed pursuant to subsection (b) may, within 21 days of the date of the notice sent by the Secretary of State pursuant to Section 6-306.5(b) of the Illinois Vehicle Code, file with the county traffic compliance administrator a written statement and supporting documentation to challenge the report; provided, however, the grounds for such challenge shall be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving ten or more parking or compliance violation notices or five or more automated red light violations on the date or dates such notices were issued or (2) the person having already paid the fine and penalty for the ten or more violations or five or more automated red light violations indicated on the report. The county traffic compliance administrator shall send notice of the decision on the challenge of the report after receipt thereof.

(d) If a person named in a certified report has paid the previously reported fine or penalty or if the report is determined by the county traffic compliance administrator to be in error, the county traffic compliance administrator shall notify the Secretary of State in accordance with Section 6-306.5(d) of the Illinois Vehicle Code. A certified copy of such notification shall be given, upon request and at no charge, to the person named therein.

Effective date: This Amended Ordinance shall be in effect July 1, 2011.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Suffredin, seconded by Commissioner Daley, moved that the Ordinance Amendment be approved and adopted. **The motion carried.**

Commissioners Gorman and Tobolski voted "no".

* * * * *

**11-O-59
ORDINANCE**

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER

Co-Sponsored by

THE HONORABLE EARLEAN COLLINS, COUNTY COMMISSIONER

AN AMENDMENT TO THE WHEEL TAX ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 74 Taxation, Section 74-567 of the Cook County Code is hereby amended as follows:

Sec. 74-567. Penalty for ordinance violation.

(a) Late fee. Any owner as defined in Section 74-551 or 74-552 who purchases a license after July 1 or other due date as defined in Section 74-559(b) or (c) shall pay a late fee penalty equal to the amount due for the license fee but not less than \$25.00 per license, whichever is more. Persons over age 65, physically handicapped individuals, or disabled veterans shall not be charged more than \$25.00 for a late fee.

(b) Back dated fees. Any person or motor vehicle as defined in Section 74-551 or 74-552 who did not purchase a license after the effective date may be required to pay the entire amount of fees due for each of the prior three years that the fee had not been paid.

(c) Penalty for failure to properly display sticker or unlawful use of sticker on another vehicle. Any owner, ~~driver or of a~~ motor vehicle in violation of these provisions requiring a license shall be fined ~~not less than \$75.00 per offense. nor more than \$150.00 per offense.~~

1. Purchase of a license after the due date. Purchase of a license after the due date shall not result in an order of compliance discharge ~~or a finding of not guilty by any court or in an~~ administrative hearing, ~~and~~ All penalties and fines, contained herein shall be mandatory; and
2. Every person found in violation of any section of this Article may request an administrative hearing conducted pursuant to Section 82-180 of this Code.

Effective date: This amended Ordinance shall be in effect July 1, 2011.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Suffredin, seconded by Commissioner Butler, moved that the Ordinance Amendment be approved and adopted, as amended. **The motion carried unanimously.**

* * * * *

**11-O-60
ORDINANCE**

Sponsored by

**THE HONORABLE PETER N. SILVESTRI AND GREGG GOSLIN
COUNTY COMMISSIONERS**

AMENDMENT TO GENERAL BUSINESS LICENSE ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 54 Licenses, Section 54-394 of the Cook County Code is hereby amended as follows:

Sec. 54-394. Penalties.

~~Any Person determined to have violated this article (1) may be denied any County contract, permit, license and or privilege and/or (2) shall be subject to a fine of \$1,000.00 for the first offense, and a fine of 2,000.00 for the second and each subsequent offense and/or be subject to suspension, revocation. A separate and distinct offense shall be regarded as committed each day upon which said Person shall continue any such violation, or permit any such violation to exist after notification thereof.~~ Any Person determined to have violated this article (1) may be denied any County contract, permit, license, and or privilege and/or (2) shall be subject to a fine of \$100.00 for the first offense, a fine of \$250.00 for the second offense, and \$500.00 for the third and each subsequent offense and/or be subject to suspension and/or revocation procedures pursuant to this Article. A separate and distinct offense shall be regarded as committed each day upon which said Person shall continue any such violation, or permit any such violation to exist after notification thereof.

Effective date: This Amendment shall take effect upon passage.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Silvestri, seconded by Commissioner Goslin, moved that the Proposed Ordinance Amendment be approved and adopted.

Following discussion, Commissioner Silvestri, seconded by Commissioner Daley, moved to accept the Proposed Substitute Ordinance Amendment to the General Business License Ordinance. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Goslin, moved that the Ordinance Amendment be approved and adopted, as amended. **The motion carried unanimously.**

PROPOSED RESOLUTIONS

Submitting a Proposed Resolution sponsored by

BRIDGET GAINER, County Commissioner

PROPOSED RESOLUTION

**TO DISCUSS THE POSSIBLE IMPLICATIONS OF PENSION REFORM LEGISLATION
THAT MAY BE DISCUSSED BY THE ILLINOIS GENERAL ASSEMBLY**

WHEREAS, it is the request of the Cook County Finance Subcommittee on Pension to call a meeting to discuss the possible implications of pension reform legislation that may be discussed by the General Assembly this Fall; and

WHEREAS, it is the request of the Cook County Finance Subcommittee on Pension to call a committee meeting to hear from Cook County Employees regarding the possible changes to the Cook County and Forest Preserve Pension Funds that may be discussed by the General Assembly this Fall; and

WHEREAS, the Cook County Pension Fund has seen an overall fall in its funded status over the past 10 years from 88.8% to its most recent valuation of 60.7% in 2010; and

WHEREAS, during the January 19, 2011 committee meeting, the Pension Fund's actuary preformed 30-year funding projections for the Cook County Employees' Annuity and Benefit fund which took into account projected benefits, payments, contributions, assets and actuarial liabilities in order to attain the possible options that would increase the funded ratio to 80% at the end of 30 years; and

WHEREAS, the response from the actuary included multiple options to increase the funded ratio for the Cook County Employees' Annuity and Benefit fund.

NOW, THEREFORE, BE IT RESOLVED, the Cook County Finance Subcommittee on Pension shall hold meetings for the purpose of discussing the possible changes to the Cook County and Forest Preserve Pension Funds; and

BE IT FURTHER RESOVLED, the Cook County Finance Subcommittee on Pension shall hold meetings for the purpose of discussing the possible options to increase the funded status of the Cook County and Forest Preserve Pension Funds.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Gainer, seconded by Commissioner Suffredin, moved that the Proposed Resolution be referred to the Finance Subcommittee on Pension. (Comm. No. 313151). **The motion carried unanimously.**

* * * * *

Submitting a Proposed Resolution sponsored by

BRIDGET GAINER, County Commissioner

Co-sponsored by

TONI PRECKWINKLE, President, JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY, JESUS G. GARCIA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI, County Commissioners

PROPOSED RESOLUTION

**HONORING THE COOK COUNTY DEPARTMENT OF FACILITIES MANAGEMENT
FOR THE 2011 NACO ACHIEVEMENT AWARD FOR PERSONNEL MANAGEMENT,
EMPLOYEE TRAINING AND EMPLOYEE BENEFITS
ALTERNATIVE WORK PROGRAM-FACILITIES MANAGEMENT**

WHEREAS, In January of 2009, The Cook County Department of Facilities Management identified that the County had multiple employees off of work due to injury or illness. Facilities Management recognized that many non-administrative employees (Skilled Trades and Engineers) who were currently collecting disability benefits could return to work in administrative functions. Over the past two years, Facilities Management has had eleven (11) employees participate in the newly created Alternative Work Program; and

WHEREAS, Cook County has endured multiple budget cuts over the past four years and many administrative positions have been eliminated. With an expanding workload and fewer staff, AWP participants have performed many clerical functions including: answering phones, entering work orders into the work order system, filing, and other miscellaneous office duties. Upon completion of the AWP, participants gain a better understanding and awareness of clerical, administration, and management challenges and expectations; and

WHEREAS, as with many Counties in the United States, Cook County's pension system is minimally underfunded. All employees that become disabled while they are still employed are paid partially through the pension system. Enrolling employees into the AWP and getting these employees back to work has saved money within the system; and

WHEREAS, the Department of Facilities Management is very accustomed to the fact that employees will get hurt while on the job. There is always a higher risk of injury within the service occupations. In fact, according to OSHA statistics service workers account for 53.4 % of all injuries in the public sector. Employees spend months, if not years, on disability. One of the reasons employees were off for such a long period of time due to the fact that the administration did not actively pursue bringing these employees back to work; and

WHEREAS, Cook County has been under budget constraints for the past seven years and has had to continually lay off administrative staff in order to fulfill their budget obligations. The administrators within Facilities Management needed help with simple tasks that could not be completed due to expanding workload and fewer staff. The administration was left with only a couple feasible options: 1) Hire more staff. 2) Better utilize the workforce that was already in place. Due to the current budget constraints, all innovative ideas were considered; and

WHEREAS, as with many Counties in the United States, Cook County's pension system is minimally underfunded. All employees that become injured while they are employed with Cook County are paid partially through the pension system. When an employee files for ordinary disability benefits (non-work related injury) the employee is paid 50% of their salary for the duration of their time off. The entire disability payment is made from the pension system. In cases where an employee files for duty disability benefits (work related injury) the employee is paid 8 1/3% of their salary from the pension fund and 66 2/3% from Workers' Compensation; and

WHEREAS, the overall objective of the program is to bring service employees (Skilled Trades, Engineers, etc.) who are on disability back to work in a clerical function as effectively as possible. Each employee is taken on a case by case basis. An example would be that Employee A has a torn ACL and hypothetically won't be able to return to work in six months while Employee B has a broken foot and could return in six weeks.

WHEREAS, the overall methodology is that an employee who is recovering from an injury would be more likely to return to their original function (Skilled Trades, Engineer, etc.) more expeditiously if they were already back to work in a clerical function than if the same employee was recovering from their injury at home; and

WHEREAS, the Department of Facilities Management has partnered with the Department of Risk Management to begin requesting physician documentation regarding work restrictions that an employee would have if they were approved to come back to work in an administrative function (also known as light duty). This is a crucial first step, because physicians have become increasingly more cautious on work restrictions because they don't want a lawsuit filed against them by either the employee or the employer; and

WHEREAS, once a physician has submitted work restrictions and has authorized that an employee can work in an administrative function, Facilities Management assigns the employee to an administrative function within the Work Order Division. The Work Order Division is responsible for opening and closing of work requests, disseminating work requests, and filing daily time logs for the department. The WOD processes an average on 150,000 work requests each year through a computerized work order system; and

WHEREAS, after the employee begins working as a member of the work order staff, he/she will receive proper training on: basic computer skills, work order processing, basic clerical skills, answering and transferring of the phone, and filing. This can be an overwhelming for an employee that has never spent time in an office environment before, but over time the AWP participants adapt; and

WHEREAS, once an employee is enrolled in the AWP, the only way to get removed is to either: return to full duty, physician release back to disability, or resignation. Of the eleven employees that have been assigned to the program: seven have returned back to their original position, three have resigned, and one is still enrolled; and

WHEREAS, one of the best parts of the AWP is the fact that Facilities Management has not incurred any additional costs for implementation. The major costs for implementing this type of program would be: supervision of participants, desktop computers, and work order entry software; and

WHEREAS, all members that participate are supervised by the current data entry supervisor. The supervisor already supervises nine (9) employees and adding additional employees has proven to not be an additional burden. Facilities Management had additional computers that were in storage due to their age. AWP employees did not require top of the line systems, so they were issued refurbished computers that were approximately four years old. The last major expense was the work order system which is already in place within Facilities Management; and

WHEREAS, the overall goal of the Alternative Work Program is to get employees back to work full time so they can complete their function that they were hired to do. The average time spent by AWP participants in the program is 6 months while non-participants spend over a year to return to work. There have been many other successes along the way that have added to the programs overall success including: financial savings, better understanding of administrative functions, and innovative administrative ideas; and

WHEREAS, financial savings was the easiest and most obvious result. The eleven individuals that have gone through the program would have accumulated over \$500,000 in wages while not working. This

savings is broken down into \$90,000 savings for the pension fund and \$410,000 savings for workers compensation; and

WHEREAS, due to increased facility oversight, the amount of paperwork that is required throughout the department has grown exponentially over the past few years. With the help of AWP participants, Facilities Management has been able to organize and process their needed paperwork much more effectively. “I found out that there is a never-ending process of paperwork that I never knew existed” said AWP participant Andrew Ryndak, “Once I got back on regular duty, I learned how to manage and get my paperwork done a lot faster and easier”; and

WHEREAS, when it comes to innovative ideas, there is always an added benefit when a newcomer is trained in performing administrative functions. One of the AWP participants single-handedly changed the filing system for daily tracking logs that are used by tradesmen. This individual saw that the filing was grossly inefficient and since his departure six months ago, the filing system has stayed intact and is still the model for filing such paperwork. Another AWP participant developed a “Key Phrase” document that identifies work processes commonly used by tradesmen. This document will be disseminated to bring continuity to our work requests.

NOW, THEREFORE, BE IT RESOLVED, the Cook County Department of Facilities Management has taken a proactive approach to bringing men and women back to work that would otherwise have been sitting at home while they were recovering from their injuries. Facilities Management has worked to create a positive experience for both the AWP participant and the administration. Counties across the United States are looking for ways to fully utilize their personnel and to give such personnel proper training and departmental understanding while also saving money. The Cook County Department of Facilities Management has been able to achieve this goal and has developed a usable model for other Counties and would humbly accept a NACo Achievement Award for the Alternative Work Program; and

BE IT FURTHER RESOLVED, the Cook County Finance Subcommittee on Pension should convene to discuss how to implement this proactive approach Countywide.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Gainer, seconded by Commissioner Suffredin, moved that the Proposed Resolution be referred to the Finance Subcommittee on Pension. (Comm. No. 313153). **The motion carried unanimously.**

RESOLUTIONS

11-R-211 RESOLUTION

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JOAN PATRICIA MURPHY, COUNTY COMMISSIONER**

Co-Sponsored by

THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, JOHN P. DALEY,

**EARLEAN COLLINS, JOHN A. FRITCHEY, BRIDGET GAINER, JESUS G. GARCIA,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, EDWIN REYES,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,
COUNTY COMMISSIONERS**

**HONORING THE WOUNDED AND ILL MEMBERS OF THE
ARMED FORCES AND THE SILVER STAR FAMILIES OF AMERICA ORGANIZATION**

WHEREAS, the County of Cook has always honored the sacrifice of the men and women in the Armed Forces; and

WHEREAS, the Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families; and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this County and Country with Silver Star Banners, Flags and care packages; and

WHEREAS, the Silver Star Families of America’s sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember that soldier’s sacrifice for this County, State and Nation; and

WHEREAS, the people and leader ship of Cook County wish that the sacrifice of so many in our Armed Forces never be forgotten.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Board of Commissioners does hereby express their appreciation of The Silver Star Families of America and honors their commitment to our wounded Armed Forces members; and

BE IT FURTHER RESOLVED, that June 14, 2011 be declared “Silver Banner Day,” the official day to honor the wounded and ill Soldiers of Cook County; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be tendered to The Silver Star Families of America organization in recognition of their good works and the high esteem in which it is held by the members of the Cook County Board and that its text also be spread upon the official proceedings of this honorable body.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-107(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Murphy, moved to suspend Section 2-107(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Murphy, seconded by Commissioner Gorman, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

**11-R-212
RESOLUTION**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JERRY BUTLER AND ROBERT B. STEELE, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JOHN P. DALEY, EARLEAN COLLINS,
JOHN A. FRITCHEY, BRIDGET GAINER, JESUS G. GARCIA,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY,
EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**CONGRATULATING JOE SOTO AND RAMONSKI LUV ON THEIR
7TH YEAR ANNIVERSARY AS HOST OF “THE REAL SHOW” ON V-103**

WHEREAS, the Real Show, hosted by veteran radio personalities Joe Soto and Ramonski Luv, debuted in March of 2004 on V-103 (102.7 FM) Chicago’s radio station for “Today’s R & B and Old School generation”; and

WHEREAS, the Real Show which airs on V-103 from 6:00 P.M.-9:00 P.M. has built a strong loyal audience; and

WHEREAS from 2008 to 2010, the Real Show’s audience grew from 390,600 to 486,000 total radio listeners, and

WHEREAS, today, the Real Show is ranked number one with adults 25-54 in its time slot; and

WHEREAS, Joe Soto and Ramonski Luv are Chicago natives who are very family oriented; and

WHEREAS, Joe Soto and Ramonski Luv have a total of 55 years in the radio industry combined between the two of them; and

WHEREAS, Joe Soto and Ramonski Luv think of their listeners as family members; and

WHEREAS, Joe Soto and Ramonski Luv are positive role models and are involved in what’s going on in the community. On a daily basis they encourage children to stay in school and urge parents to be involved with their child’s educational process; and

WHEREAS, on Saturday, April 9, 2011 the Real Show hosts Joe Soto and Ramonski Luv celebrated their 7th Anniversary Party at the House of Blues.

NOW, THEREFORE, BE IT RESOLVED, that the President and Board of Commissioners of Cook County do hereby congratulate and commend Joe Soto and Ramonski Luv on their 7th Anniversary as Host of “The Real Show” on V-103; and

BE IT FURTHER RESOLVED, that a suitable Resolution be prepared for presentation to Joe Soto and Ramonski Luv host of the “The Real Show” to commemorate the auspicious occasion.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Butler, seconded by Commissioner Daley, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

CONSENT CALENDAR RESOLUTIONS

11-R-213 RESOLUTION

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONERS

RECOGNIZING THE VALOR AND PATRIOTISM OF CAPTAIN FRED HUTCHERSON, JR.

WHEREAS, Captain Fred Hutchinson, Jr. was a veteran of our armed forces, and never failed to display his unwavering allegiance to this nation and its immutable strife for good and justice, and has been posthumously awarded the Tuskegee Airmen Congressional Gold Medal for said contributions at the Shorefront Legacy Center on the 18th of June, 2011 at 1:00 p.m.

WHEREAS, Captain Hutchinson was born and raised in Evanston, Illinois, where he attended Evanston Township High School; and

WHEREAS, Captain Hutchinson taught himself to fly by studying books and cardboard depictions of instrument panels. He later received formal training at Sky Harbor Airport in Northbrook, Illinois; and

WHEREAS, after Germany declared war on Great Britain in 1939, Captain Hutchinson attempted to enlist in the United States Army Air Corps, but was denied the opportunity to serve; and

WHEREAS, undaunted by the denial, Captain Hutchinson enlisted with the Royal Canadian Air Force as a flight instructor; and

WHEREAS, Captain Hutchinson answered a call for volunteers to ferry American-made bombers across the Atlantic to Great Britain. In doing so, Captain Hutchinson became the first African American to fly across the Atlantic Ocean; and

WHEREAS, Captain Hutchinson next served as a flight instructor at the Tuskegee Army Air Field, Alabama; and

WHEREAS, Captain Hutchinson piloted along with his fellow Tuskegee Airmen in the Second World War; and

WHEREAS, Captain Hutchinson also served as a pilot for S.A.M. Airlines, British West Indies Airlines, and managed a Charter service; and

WHEREAS, Captain Hutchinson was also involved with the Bud Biliken Parade; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Cook County takes great pleasure in recognizing the contributions of Captain Fred Hutchinson, Jr. to the Tuskegee Airmen during the Second World War, and herewith expresses its sincere gratitude for the invaluable contributions he made to his fellow patriots and his country; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be spread upon the official proceedings of this Honorable Body and that an official copy of same be tendered to Captain Fred Hutchinson, Jr.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Goslin, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

**11-R-214
RESOLUTION**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONER**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS,
JOHN P. DALEY, JOHN A. FRITCHEY, BRIDGET GAINER, JESUS G. GARCIA,
ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY,
EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS**

ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS

**CONGRATULATING LYONS TOWNSHIP HIGH SCHOOL'S BASEBALL TEAM
ON THEIR 4A CHAMPIONSHIP**

WHEREAS, The Lyons Township baseball team completed its dream season with an 8-3 win over Providence in the Class 4A State Championship at Joliet's Silver Cross Field on Saturday, June 11, 2011; and

WHEREAS, their victory over the favored Celtics capped off a 37-4 record in which LT dominated the West Suburban (Silver) Conference; and

WHEREAS, this is Lyons Township's third baseball state championship; and

WHEREAS, Lyons earned its second state title under veteran head coach George Ushela, who also led the Lions to the 2003 state title; and

WHEREAS, the Lions' other baseball state championship was in 1967.

NOW, THEREFORE, BE IT RESOLVED that the President and Board of Commissioners of Cook County do hereby congratulate and commend the Lions and Coach George Ushela on their rousing victory in the State 4A Championship; and

BE IT FURTHER RESOLVED, that a suitable Resolution be prepared for presentation to George Ushela and Lyons Township High School to commemorate this momentous occasion.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Goslin, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

**11-R-215
RESOLUTION**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND PETER N. SILVESTRI, COUNTY COMMISSIONER**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS,
JOHN P. DALEY, JOHN A. FRITCHEY, BRIDGET GAINER, JESUS G. GARCIA,**

**ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, JOAN PATRICIA MURPHY,
EDWIN REYES, TIMOTHY O. SCHNEIDER, DEBORAH SIMS ROBERT B. STEELE,
LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

HONORING FERDINAND SERPE

WHEREAS, Ferdinand P. Serpe graduated from St. Ambrose University before earning his law degree. In 1984 he began work as an Illinois assistant attorney general working at the Industrial Commission and Revenue Litigation Division; and

WHEREAS, in 1988, as executive director of the Illinois Transportation Association, Ferdinand Serpe co-authored *A History of Trucking in Illinois*; and

WHEREAS, Serpe went on to serve as chief legal counsel for Tax Resolutions, Inc. from 2002 through 2007, when he became a partner in private practice. Today Serpe is the principal at the law offices of Ferdinand P. Serpe & Associates with offices in Maywood and Arlington Heights; and

WHEREAS, in 2002, Serpe became certified as a hearing officer and administrative adjudicator. He is chairman of the Illinois Secretary of State’s Merit Commission, and has been working for Norridge as a hearing officer; Stone Park as a preliminary hearing officer; Calumet City as a defense attorney; Westchester Park District, Addison Township, and Calumet City as special counsel; and as an arbitrator the First and Fourth Municipal Districts of the Circuit Court of Cook County; and

WHEREAS, Serpe was president of the Italian American Political Coalition and is currently a member of the Justinian Society of Lawyers, and he has also served on the John Marshall Law School Alumni Association Board of Directors and on various committees for the Illinois State Bar Association and is currently second vice president for the West Suburban Bar Association.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County President and Board of Commissioners congratulate Ferdinand P. Serpe for being honored with the John Marshall Law School

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Goslin, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**11-R-216
RESOLUTION**

Sponsored by

**THE HONORABLE JOHN P. DALEY, PRESIDENT TONI PRECKWINKLE,
WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS, JOHN A. FRITCHEY,
BRIDGET GAINER, JESUS G. GARCIA, ELIZABETH “LIZ” DOODY GORMAN,
GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

WHEREAS, Benton House is a non-profit social service organization that has been serving Chicago’s Bridgeport community for over one hundred years; and

WHEREAS, this cherished neighborhood institution is named for the founder’s daughter, Katherine Sturges Benton; and

WHEREAS, Benton House has long provided a safe haven for recreational activities, educational classes, community services, and personal growth; and

WHEREAS, over the years, Benton House has served countless families and has earned a reputation for its openness and welcoming spirit; and

WHEREAS, in support of the fine programs offered by Benton House, a committee of local residents hosts an annual golf outing to raise funds for this worthy cause; and

WHEREAS, 2011 marks the 25th Anniversary of this popular event; and

WHEREAS, the 25th Annual Charity Golf Tournament to benefit Benton House will be held on June 29, 2011, at Gleneagles County Club in Lemont, Illinois.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Cook County that the Board does hereby offer its congratulations to Benton House for its outstanding contributions to the welfare of the community, and extends due tribute to the members of the Organizing Committee for the 25th Annual Charity Golf Tournament; and

BE IT FURTHER RESOLVED, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to Benton House, with best wishes for a successful event and in recognition of its fine and continuing work on behalf of the families of Chicago.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Goslin, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

**11-R-217
RESOLUTION**

Sponsored by

**THE HONORABLE JOHN P. DALEY, PRESIDENT TONI PRECKWINKLE,
WILLIAM M. BEAVERS, JERRY BUTLER, EARLEAN COLLINS, JOHN A. FRITCHEY,
BRIDGET GAINER, JESUS G. GARCIA, ELIZABETH “LIZ” DOODY GORMAN,
GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

WHEREAS, Almighty God in His infinite wisdom has called Hugh Heneghan from our midst; and

WHEREAS, Hugh Heneghan was the beloved husband of Joan Heneghan (nee Murphy); and

WHEREAS, Hugh Heneghan was the loving father of Patrick (Kelly) and Rita; and

WHEREAS, Hugh Heneghan was the cherished grandfather of Patrick John; and

WHEREAS, Hugh Heneghan was the dear brother of John (Mary), Jimmy and the late Patrick; and

WHEREAS, Hugh Heneghan came to America from Tourmakeady, County Mayo, Ireland, and

WHEREAS, Hugh Heneghan was a successful entrepreneur, having co-founded Heneghan Wrecking Company; and

WHEREAS, all who knew him will attest that Hugh Heneghan was a kind and compassionate man, virtuous of character and gentle in spirit, admired and respected by his many friends and neighbors, and dearly loved by his family.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of Hugh Heneghan, and joins them in sorrow at this time of loss; and

BE IT FURTHER RESOLVED, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of Hugh Heneghan, that his memory may be so honored and ever cherished.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Goslin, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**11-R-218
RESOLUTION**

Sponsored by

THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER

Co-Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT AND WILLIAM M. BEAVERS,
JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY,
BRIDGET GAINER, JESUS G. GARCIA, ELIZABETH “LIZ” DOODY GORMAN,
GREGG GOSLIN, JOAN PATRICIA MURPHY, EDWIN REYES, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE AND JEFFREY R. TOBOLSKI
COUNTY COMMISSIONERS**

IN HONOR OF MICHAEL GWINN

WHEREAS, Michael (“Mike”) Gwinn became a key member of Commissioner Larry Suffredin’s staff in 2006, serving first as Director of Intergovernmental Relations and then assuming the role of Chief of Staff in 2008; and

WHEREAS, Mike Gwinn has made invaluable contributions to the Commissioner’s office and constituents of the 13th District and the county, as a whole; and

WHEREAS, Mike Gwinn’s leadership, work ethic and collaborative method of problem-solving has greatly enhanced Commissioner Suffredin’s office, enabling the office to address countless constituent issues related to both the County and Forest Preserve District; and

WHEREAS, Mike Gwinn, as a trusted adviser to the Commissioner, has provided vital direction, insight and analysis of County and Forest Preserve budgets, often suggesting key amendments that resulted in measurable reform and fiscal policy for the County and Forest Preserve District; and

WHEREAS, during his tenure, Mike Gwinn worked on many important issues, most notably, the creation of the Cook County Health & Hospital System Board of Directors, attending almost every early morning meeting of the System Board and providing critical insights about the Board’s governance and effectiveness; and

WHEREAS, Mike Gwinn has worked tirelessly to advance the Commissioner’s legislative and reform agendas, as well as to increase the operational effectiveness of the Commissioner’s office, even while pursuing his Master’s of Public Policy at Northwestern University; and

WHEREAS, in addition to serving as the liaison between the Commissioner’s office and all County elected officials, departments and agencies, Mike Gwinn served as the key staff member to the

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Commissioner for the Commissioner's committee chairmanships and with the Commissioner's Forest Preserve District Task Force; and

WHEREAS, Mike Gwinn is a dedicated professional who possesses extraordinary interpersonal skills, a deep insight into County government and its finances, and a superb writing ability, having drafted many of the Commissioner's Ordinances, Resolutions, press releases and policy documents; and

WHEREAS, Mike Gwinn has been an essential resource to all of his fellow staffers in other commissioner's offices and to County staff during the budgeting process; and

WHEREAS, prior to joining the Commissioner's staff, Mike Gwinn served as State Representative Julie Hamos's Chief of Staff, where he played an integral role in the reform of the State of Illinois' regional transit policies; and

WHEREAS, Mike Gwinn believes in the spirit of volunteerism, teamwork and civic duty, assisting County Clerk David Orr's office with equipment during elections, serving on the Board of Ultimate Chicago Frisbee, working with Amigos de los Americas program, volunteering on countless work days and participating at numerous events within the Forest Preserve District, which Mike spent years as a dedicated volunteer/leader; and

WHEREAS, Mike Gwinn's sense of humor, wit, easy-going nature, and the passion he has for Chicago's history, woodworking, photography and his wife, Angie, are qualities that make him a wonderful colleague and friend to many; and

WHEREAS, Mike Gwinn successfully organized the Team 820 Bush Whackers Softball Team; and

WHEREAS, Mike Gwinn is leaving Commissioner Suffredin's to join the Chicago Transit Authority, where his professionalism and excellent leadership and communication skills are bound to make a positive impact on the agency.

NOW, THEREFORE, BE IT RESOLVED, that the President and Members of the Cook County Board of Commissioners, on behalf of the people of Cook County, does hereby recognize and commend Michael Gwinn for his invaluable contributions to the Office of Cook County Commissioner Larry Suffredin and the people of the 13th District and wish him every success in his future endeavors; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be spread upon the official proceedings of this Honorable Body and that an official copy of same be tendered to Michael Gwinn as a token of this Honorable Body's appreciation.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Goslin, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

REPORT OF THE COMMITTEE ON ZONING AND BUILDING

June 14, 2011

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Silvestri, Vice Chairman Murphy and Commissioners Butler, Collins, Daley, Fritchey, Gainer, Garcia, Gorman, Goslin, Reyes, Schneider, Suffredin and Tobolski (14).

Absent: Commissioners Beavers, Sims and Steele (3).

Ladies and Gentlemen:

Your Committee on Zoning and Building, having had under consideration the matter hereinafter mentioned, respectfully reports and recommends as follows:

303845 DOCKET #8593 – JOHN DITOMASSO, Owner, 2500 Pfingsten Road, Northbrook, Illinois 60062, Application (No. SU-09-18; Z09095). Submitted by Michael Malloy, 100 Skokie Highway, Lake Bluff, Illinois 60044. Seeking a SPECIAL USE, UNIQUE USE in the R-4 Single Family Residence District to operate a landscaping business and snow removal/plowing business including an office and the storage of landscaping vehicles and equipment in existing barn and garage in Section 20 of Northfield Township. Property consists of approximately 1.61 of an acre located on the northwest corner of Highland Road and Pfingsten Road in Northfield Township. Intended use: To operate a landscaping business which shall include snow removal/plowing. Recommendation: That the applicant be granted a one-year extension of time.

Vice Chairman Murphy, seconded by Commissioner Goslin, moved to concur with the recommendation of the Zoning Board of Appeals in Communication No. 303845. The motion carried.

309999 DOCKET #8702 – JAN ZYCH, Owner, 5060 South Archer Avenue, Chicago, Illinois 60632, Application (No. SU-10-27). Submitted by John J. Pikarski, Jr. of Gordon & Pikarski, Attorney. Seeking a SPECIAL USE, UNIQUE USE in the R-4 Single Family Residence District for an ethnic delicatessen in Section 32 of Lemont Township. Property consists of approximately 0.958 of an acre located on the east side of State Street approximately 1,320 feet north of Archer Avenue in Lemont Township. Intended use: Ethnic delicatessen. Recommendation: That the application be granted.

Conditions: None

Objectors: Village of Lemont

***This item was deferred at the April 20, 2011 Cook County Board Meeting.**

****This item was approved at the May 4, 2011 Cook County Board Meeting.**

*****At the meeting of May 17, 2011, this item (as part of New Item #16) was reconsidered and referred to the Zoning and Building Committee Meeting of June 1, 2011.**

******At the meeting of June 1, 2011, this item was deferred.**

Commissioner Gorman, seconded by Vice Chairman Murphy, moved to concur with the recommendation of the Zoning Board of Appeals that the application be granted in Communication No. 309999.

Commissioner Gorman, seconded by Vice Chairman Murphy, moved to amend communication No. 309999 to include the conditions agreed to by both parties. The motion carried.

Commissioner Goslin, seconded by Commissioner Tobolski, moved the approval of Communication No. 309999, as amended and that the Application be granted with the conditions set forth by the Zoning and Building Committee. The motion carried.

**11-O-61
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE GRANTING A SPECIAL USE FOR UNIQUE USE
LOCATED IN LEMONT TOWNSHIP AS AUTHORIZED
BY THE COOK COUNTY ZONING ORDINANCE**

WHEREAS, the owner of certain property located in Lemont Township described in Section 1, herein, has petitioned the Cook County Board of Commissioners for a Special Use for Unique Use, as requested, in R-4 Single Family for an ethnic delicatessen; and

WHEREAS, the said petition was received by the Zoning Board of Appeals of Cook County as Docket #8702 and a public hearing was held in regard to said request after due notice, all in accordance with the Cook County Zoning Ordinance and the Statutes of the State of Illinois; and

WHEREAS, the Zoning Board of Appeals entered detailed findings in accordance with the standards set forth in the Ordinance recommending that the Cook County Board of Commissioners grant said applications for a Special Use for Unique Use permit; and

WHEREAS, it is the determination that said request be granted in accordance with the recommendations of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Cook County, Illinois:

Section 1: That a Special Use for Unique Use, as requested, in R-4 Single Family Residence for an ethnic delicatessen is granted with conditions. The conditions are as follows:

1. The existing building shall be renovated consistent with the architectural elevations submitted at the Cook County Zoning Board of Appeals public hearing on this case.

2. The site shall be developed according to the attached site plan, prepared by Liptak Architects.

3. As shown on the attached site plan, site development shall include:

Two street trees shall be installed along State Street in the general locations as shown on the site plan. These trees shall be a species and size as typically planted along parkways and streets in Cook County. Because of Emerald Ash Borer threat, the use of Ash trees (Fraxius spp.) shall be prohibited.

The entrance, exit and parking areas shall be paved with asphalt or concrete.

Curb, gutter and sidewalk shall be installed along State Street. Curb, gutter and sidewalk shall be constructed to and gutter shall be constructed by the Village of Lemont engineering standards, as found in Article IV of the Lemont Unified Development Ordinance.

4. The attached site plan shall be modified as follows:

The sidewalk, which is presently placed adjacent and back-to-back with the street curb, shall be moved approximately four feet to the east, so that its new location shall be immediately adjacent and back-to-back with the curb for the four parking spaces between the building and State Street.

The narrow landscaped strip, which is presently placed in between the four parking spaces and the sidewalk, shall be moved approximately four feet to the west, so that its new location shall be immediately adjacent to the State Street curb and so that the sidewalk is now in between the landscaped strip and the four parking spaces.

The location of the sidewalks at both the north and south property lines shall be moved according to match the revised location of the sidewalk as described above.

LEGAL DESCRIPTION

The South 150.0 feet of the North 261.0 feet of the West 5 acres of Lot 8 in County Clerk's Subdivision of Section 32, Township 37 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

commonly described as on the East side of State Street approximately 1,320 feet North of Archer Avenue in Lemont Township.

Section 2: That the Special Use for Unique Use in the R-4 Single Family Residence District as mentioned in Section 1 of this Ordinance is hereby authorized.

Section 3: That this Ordinance under the provisions of Section 13.8.9 of the Cook County Zoning Ordinance be in full force and effect from and after its passage and approval, except that if said use is not established within one year as provided in Section 13.8.14 said Special Use for Unique Use shall be null and void. That said property be developed and

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constructed pursuant to the detailing set forth in the testimony and contained in the exhibits and Findings of the Cook County Zoning Board of Appeals hereby incorporated by reference into the Ordinance, as provided by law.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

313118 DOCKET #8737 – S. LIGAS, Owner, Application (No. V-11-23): Variation to reduce left side yard setback from 10 feet to 2 feet for a detached garage in the in the R-5 Single Family Residence District. The subject property consists of approximately 0.17 of an acre, located on the west side of Lorel Avenue, approximately 240 feet south of 49th Street in Stickney Township, County Board District #11. Recommendation: That the application be granted.

Conditions: None

Objectors: None

Vice Chairman Murphy, seconded by Commissioner Daley, moved the approval of Communication No. 313118. The motion carried.

313119 JUD REIDY, Owner, 10833 West 143rd Street, Orland Park, Illinois 60467, Application (No. SU-11-07; Z11030). Submitted by Patrick T. Brankin, Schain, Burney, Banks & Kenny, Ltd. Seeking a SPECIAL USE, UNIQUE USE in the R-4 Single Family Residence District to allow rental of second dwelling unit in a detached garage (existing) with companion Variance (V-11-24) to reduce east interior side yard setback on thru lot from minimum required 15 feet to 5 feet existing) in Section 8 of Orland Township. Property consists of approximately two acres located on the south side of 143rd Street approximately 389.20 feet west of 108th Avenue in Orland Township, County Board District #17. Intended use: A unique use for an accessory residential use for the detached garage.

Vice Chairman Murphy, seconded by Commissioner Gorman, moved the referral of Communication No. 313119 to the Cook County Zoning Board of Appeals. The motion carried.

Vice Chairman Murphy, moved to adjourn seconded by Commissioner Suffredin, the motion carried and the meeting was adjourned.

Respectfully submitted,

COMMITTEE ON ZONING AND BUILDING

PETER N. SILVESTRI, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the Report of the Committee on Zoning and Building be approved and adopted. **The motion carried unanimously.**

REPORT OF THE COMMITTEE ON ROADS AND BRIDGES

June 14, 2011

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Vice Chairman Gorman, Commissioners Butler, Collins, Daley, Fritchey, Gainer, Garcia, Goslin, Murphy, Reyes, Schneider, Silvestri, Suffredin and Tobolski (14).

Absent: Chairman Sims, Commissioners Beavers and Steele (3).

Ladies and Gentlemen:

Your Committee on Roads and Bridges, having had under consideration the matters hereinafter mentioned, respectfully reports and recommends as follows:

SECTION 1

Your Committee has considered the following communications from Rupert F. Graham, Jr., P.E., Superintendent of Highways, recommending for approval change in plans and extra work in the construction of certain highway improvements.

- 313000 COUNTY HIGHWAY DEPARTMENT, by Rupert F. Graham, Jr., P.E., Superintendent of Highways, submitting recommendation for change in plans and extra work on Section: 04-B8431-08-PV. Federal Project No.: CMM-HPD-M8003 (427). State Job No.: C-91-278-04. 171st Street, Wood Street to Ashland Avenue in the City of Harvey and the Villages of East Hazel Crest and Hazel Crest in County Board Districts #5 and 6. Adjustment of quantities and a new item. \$10,094.01 (Addition).
- 313001 COUNTY HIGHWAY DEPARTMENT, by Rupert F. Graham, Jr., P.E., Superintendent of Highways, submitting recommendation for change in plans and extra work on Section: 08-TSCMC-07-TL. Traffic Signal Modernification and LED Retrofit (14 Locations SW) in the City of Burbank, the Villages of Alsip, Bridgeview, Chicago Ridge and Oak Lawn and in unincorporated Worth Township in County Board Districts #6 and 11. Adjustment of quantities. \$5,230.15 (Addition).
- 313002 COUNTY HIGHWAY DEPARTMENT, by Rupert F. Graham, Jr., P.E., Superintendent of Highways, submitting recommendation for change in plans and extra work on Section: 10-A6610-01-RP. Schaumburg Road, Roselle Road to Meacham Road in the Village of Schaumburg in County Board District #15. Adjustment of quantities and new items. \$174,508.32 (Addition).

Commissioner Goslin, seconded by Commissioner Murphy, moved the approval of Communication Nos. 313000, 313001 and 313002. The motion carried.

SECTION 2

Your Committee has considered the following Communication from Rupert F. Graham, Jr., P.E., Superintendent of Highways.

313003 COUNTY HIGHWAY DEPARTMENT, by Rupert F. Graham, Jr., P.E., Superintendent of Highways, submitting the Bureau of Construction's Progress Report for the month ending April 30, 2011.

Commissioner Goslin, seconded by Commissioner Murphy, moved the approval of Communication No. 313003. The motion carried.

Commissioner Murphy, moved to adjourn seconded by Commissioner Tobolski, the motion carried and the meeting was adjourned.

Respectfully submitted,

COMMITTEE ON ROADS AND BRIDGES

ELIZABETH "LIZ" DOODY GORMAN, Vice Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Gorman, seconded by Commissioner Goslin, moved that the Report of the Committee on Roads and Bridges be approved and adopted. **The motion carried unanimously.**

REPORT OF THE COMMITTEE ON FINANCE

June 14, 2011

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: President Preckwinkle and Chairman Daley, Commissioners Butler, Collins, Fritchey, Gainer, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider, Silvestri, Suffredin and Tobolski (14).

Absent: Vice Chairman Sims, Commissioners Beavers and Steele (3).

Ladies and Gentlemen:

SECTION 1

Your Committee has considered the following court orders submitted by attorneys for payment of fees earned by said attorneys for defending indigent defendants.

Your Committee, therefore, recommends that the County Comptroller and County Treasurer be, and by the adoption of this report, authorized and directed to issue checks to said attorneys in the amounts recommended.

NON-CAPITAL CASE

313103 BARRY A. SPECTOR, Attorney, submitting an Order of Court for payment of \$2,672.50 attorney fees for the defense of an indigent defendant, Dondre Clark. Indictment No. 10-CR-16928-03 (Non-Capital Case).

NON-CAPITAL CASES APPROVED FISCAL YEAR 2011 TO PRESENT:	\$898,294.57
NON-CAPITAL CASE TO BE APPROVED:	\$2,672.50

JUVENILE CASES

313018 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$600.00 attorney fees for the defense of an indigent defendant, Peter Lewis, Father, re: the Lewis children, minors. Indictment Nos. 08-JA-305, 08-JA-306, 08-JA-307, 09-JA-793, 09-JA-794 and 11-JA-0019 (Juvenile Cases).

313019 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$400.00 attorney fees for the defense of an indigent defendant, Shamyralesia McKinney-Jackson, Mother, re: the Jackson children, minors. Indictment Nos. 09-JA-1046 and 09-JA-1047 (Juvenile Cases).

313020 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$412.50 attorney fees for the defense of an indigent defendant, Antoine Carpenter, Father, re: D. Farr, a minor. Indictment No. 09-JA-579 (Juvenile Case).

313021 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$762.50 attorney fees for the defense of an indigent defendant, Ashley Russo, Mother, re: the Flores children, minors. Indictment Nos. 09-JA-1092 and 09-JA-1093 (Juvenile Cases).

313022 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$393.75 attorney fees for the defense of an indigent defendant, Daniel Cordova, Father, re: A. Quezada, a minor. Indictment No. 09-JA-544 (Juvenile Case).

313023 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$806.25 attorney fees for the defense of an indigent defendant, Dele Henderson, Mother, re: A. Henderson, a minor. Indictment No. 09-JA-339 (Juvenile Case).

313024 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$387.50 attorney fees for the defense of an indigent defendant, Angela Oss, Mother, re: B. Auterberry, a minor. Indictment No. 09-JA-575 (Juvenile Case).

313025 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$575.00 attorney fees for the defense of an indigent defendant, Maryanne King, Mother, re: J. King, a minor. Indictment No. 09-JD-3836 (Juvenile Case).

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- 313026 AUDREY COSGROVE, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$400.00 attorney fees for the defense of an indigent defendant, N. Levy, a minor. Indictment No. 09-JA-626 (Juvenile Case).
- 313027 ILDIKO J. BODONI, Attorney, submitting an Order of Court for payment of \$1,168.75 attorney fees for the defense of an indigent defendant, Deonte Frazier, Father, re: D. Frazier, a minor. Indictment No. 10-JA-670 (Juvenile Case).
- 313028 RAYMOND A. MORRISSEY, Attorney, submitting an Order of Court for payment of \$1,837.50 attorney fees for the defense of an indigent defendant, Jose Sanchez, Father, re: the Sanchez children, minors. Indictment Nos. 09-JA-899, 09-JA-901 and 09-JA-902 (Juvenile Cases).
- 313029 PATRICK K. SCHLEE, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$450.00 attorney fees for the defense of an indigent defendant, N. Thomas, a minor. Indictment No. 09-JA-00438 (Juvenile Case).
- 313030 PAUL D. KATZ, Attorney, submitting an Order of Court for payment of \$675.00 attorney fees for the defense of an indigent defendant, David Flores, Father, re: G. Flores, a minor. Indictment No. 09-JA-00545 (Juvenile Case).
- 313045 PAUL D. KATZ, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$775.00 attorney fees for the defense of an indigent defendant, S. Dellar, a minor. Indictment No. 05-JA-01050 (Juvenile Case).
- 313046 DEAN N. BASTOUNES, Attorney, submitting an Order of Court for payment of \$337.50 attorney fees for the defense of an indigent defendant, Pierre Agee, Sr., Father, re: P. Agee, a minor. Indictment No. 07-JA-00605 (Juvenile Case).
- 313047 MELINDA MACGREGOR, Attorney, submitting an Order of Court for payment of \$425.00 attorney fees for the defense of an indigent defendant, John Williams, Father, re: J. Gant, a minor. Indictment No. 08-JA-418 (Juvenile Case).
- 313048 ILDIKO J. BODONI, Attorney, submitting an Order of Court for payment of \$636.25 attorney fees for the defense of an indigent defendant, Talonda Jackson, Mother, re: L. Hampton, a minor. Indictment No. 04-JA-1197 (Juvenile Case).
- 313049 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$450.00 attorney fees for the defense of an indigent defendant, Rudolph Terrell, Father, re: D. Epps, a minor. Indictment No. 10-JA-149 (Juvenile Case).
- 313050 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$387.50 attorney fees for the defense of an indigent defendant, Calvin Moore, Sr., Father, re: C. Moore, a minor. Indictment No. 10-JA-32 (Juvenile Case).
- 313051 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$625.00 attorney fees for the defense of an indigent defendant, Guillermo Gonzalez, Father, re: E. Gonzalez, a minor. Indictment No. 10-JA-1011 (Juvenile Case).

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- 313052 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$1,087.50 attorney fees for the defense of an indigent defendant, Celerino Martinez, Father, re: the Martinez children, minors. Indictment Nos. 10-JA-938 and 10-JA-939 (Juvenile Cases).
- 313053 AUDREY COSGROVE, Attorney, submitting an Order of Court for payment of \$1,200.00 attorney fees for the defense of an indigent defendant, Jolene Logsdon, Mother, re: M. Logsdon, a minor. Indictment No. 10-JA-965 (Juvenile Case).
- 313054 CRYSTAL B. ASHLEY, Attorney, submitting an Order of Court for payment of \$1,350.00 attorney fees for the defense of an indigent defendant, Rosie Guider, Adoptive Mother, re: D. Guider, a minor. Indictment No. 10-JA-1019 (Juvenile Case).
- 313055 ILDIKO J. BODONI, Attorney, submitting an Order of Court for payment of \$552.00 attorney fees for the defense of an indigent defendant, Shirley Johnson, Mother, re: C. Johnson, a minor. Indictment No. 09-JD-4918 (Juvenile Case).
- 313056 ILDIKO J. BODONI, Attorney, submitting an Order of Court for payment of \$3,476.25 attorney fees for the defense of an indigent defendant, Frederick Jones, Father, re: the Jones children, minors. Indictment Nos. 10-JA-0083, 10-JA-0084 and 10-JA-0085 (Juvenile Cases).
- 313057 ILDIKO J. BODONI, Attorney, submitting an Order of Court for payment of \$656.25 attorney fees for the defense of an indigent defendant, Justin Quinones, Father, re: M. North, a minor. Indictment No. 07-JA-270 (Juvenile Case).
- 313058 ILDIKO J. BODONI, Attorney, submitting an Order of Court for payment of \$762.50 attorney fees for the defense of an indigent defendant, Frank Nitti, Father, re: G. Nitti, a minor. Indictment No. 05-JA-614 (Juvenile Case).
- 313062 ADAM J. JAFFE, Attorney, submitting an Order of Court for payment of \$456.25 attorney fees for the defense of an indigent defendant, Jason Shelton, Father, re: M. Martin, a minor. Indictment No. 08-JA-118 (Juvenile Case).
- 313063 ADAM J. JAFFE, Attorney, submitting an Order of Court for payment of \$418.75 attorney fees for the defense of an indigent defendant, James Stewart, Sr., Father, re: the Stewart children, minors. Indictment Nos. 04-JA-1487 and 04-JA-1488 (Juvenile Cases).
- 313064 BRIAN J. O'HARA, Attorney, submitting an Order of Court for payment of \$350.00 attorney fees for the defense of an indigent defendant, Roylia McNeal, Mother, re: R. Wilkinson, a minor. Indictment No. 06-JA-00657 (Juvenile Case).
- 313065 BRIAN J. O'HARA, Attorney, submitting an Order of Court for payment of \$705.54 attorney fees for the defense of an indigent defendant, Daryl Phillips, Father, re: D. Nunez, a minor. Indictment No. 09-JA-00261 (Juvenile Case).
- 313066 ROBERT L. FRIEDMAN, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$412.50 attorney fees for the defense of an indigent defendant, J. Lee, a minor. Indictment No. 09-JA-00149 (Juvenile Case).

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- 313067 STEPHEN JAFFE, Attorney, submitting an Order of Court for payment of \$531.25 attorney fees for the defense of an indigent defendant, Howard Junious, Father, re: the Junious children, minors. Indictment Nos. 99-JA-967 and 99-JA-2530 (Juvenile Cases).
- 313068 STEPHEN JAFFE, Attorney, submitting an Order of Court for payment of \$762.50 attorney fees for the defense of an indigent defendant, Justyna Tetlak, Mother, re: G. Tetlak, a minor. Indictment No. 09-JA-539 (Juvenile Case).
- 313069 PAUL S. KAROLL, Attorney, submitting an Order of Court for payment of \$887.50 attorney fees for the defense of an indigent defendant, Carl Moses, Father, re: T. Moses, a minor. Indictment No. 10-JA-979 (Juvenile Case).
- 313070 DONNA JEAN RAMEY, Attorney, submitting an Order of Court for payment of \$768.75 attorney fees for the defense of an indigent defendant, Raymond Woodfork, Father, re: L. Barry, a minor. Indictment No. 08-JA-498 (Juvenile Case).
- 313071 DONNA JEAN RAMEY, Attorney, submitting an Order of Court for payment of \$781.25 attorney fees for the defense of an indigent defendant, Troy Ross, Father, re: the Bowman child, a minor. Indictment No. 09-JA-819 (Juvenile Case).
- 313077 SHELDON B. NAGELBERG, Attorney, submitting an Order of Court for payment of \$412.50 attorney fees for the defense of an indigent defendant, Gloria Walls, Mother, re: the Tanksley and Walls children, minors. Indictment Nos. 03-JA-1177, 03-JA-1178, 03-JA-1179 and 03-JA-1180 (Juvenile Cases).
- 313078 PAUL S. KAYMAN, Attorney, submitting an Order of Court for payment of \$550.00 attorney fees for the defense of an indigent defendant, Liliana Osorio, Mother, re: A. Suren, a minor. Indictment No. 09-JA-00713 (Juvenile Case).
- 313079 MELANIE M. PETTWAY, Attorney, submitting an Order of Court for payment of \$350.00 attorney fees for the defense of an indigent defendant, Chester Dalton, Father, re: the Dalton and Harper children, minors. Indictment Nos. 03-JA-889, 03-JA-890, 03-JA-891 and 03-JA-892 (Juvenile Cases).
- 313080 MELANIE M. PETTWAY, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$400.00 attorney fees for the defense of indigent defendants, the Neealy children, minors. Indictment Nos. 04-JA-1084 and 04-JA-1085 (Juvenile Cases).
- 313081 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$981.25 attorney fees for the defense of an indigent defendant, Alzonja Magruder, Mother, re: the Magruder and Starnes children, minors. Indictment Nos. 01-JA-1045 and 01-JA-1046 (Juvenile Cases).
- 313082 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$256.25 attorney fees for the defense of an indigent defendant, Louis Robinson, Sr., Father, re: L. Robinson, a minor. Indictment No. 95-JA-1004 (Juvenile Case).
- 313083 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$750.00 attorney fees for the defense of an indigent defendant, Derrick Gregg, Father, re: K. Buchmeier, a minor. Indictment No. 09-JA-677 (Juvenile Case).

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- 313084 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$1,687.50 attorney fees for the defense of an indigent defendant, Larry Basemore, Father, re: the Barker and Basemore children, minors. Indictment Nos. 06-JA-716, 06-JA-717, 06-JA-718, 07-JA-306 and 08-JA-765 (Juvenile Cases).
- 313085 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$237.50 attorney fees for the defense of an indigent defendant, Artie Falls, Mother, re: I. Falls, a minor. Indictment No. 07-JA-593 (Juvenile Case).
- 313094 MICHAEL D. STEVENS, LTD., presented by Michael D. Stevens, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$905.00 attorney fees for the defense of indigent defendants, C. Alexander and C. Wilson, minors. Indictment Nos. 07-JA-734 and 07-JA-735 (Juvenile Cases).
- 313095 MICHAEL D. STEVENS, LTD., presented by Michael D. Stevens, Attorney, submitting an Order of Court for payment of \$750.00 attorney fees for the defense of an indigent defendant, Sandra Escarcega, Mother, re: R. Escarcega, a minor. Indictment No. 07-JA-329 (Juvenile Case).
- 313096 MICHAEL D. STEVENS, LTD., presented by Michael D. Stevens, Attorney, submitting an Order of Court for payment of \$562.50 attorney fees for the defense of an indigent defendant, Greg Binford, Father, re: A. Grant, a minor. Indictment No. 07-JA-313 (Juvenile Case).
- 313098 MICHAEL D. STEVENS, LTD., presented by Michael D. Stevens, Attorney, submitting an Order of Court for payment of \$715.00 attorney fees for the defense of an indigent defendant, Andre Moten, Father, re: A. Moten, a minor. Indictment No. 10-JA-381 (Juvenile Case).
- 313099 MICHAEL D. STEVENS, LTD., presented by Michael D. Stevens, Attorney, submitting an Order of Court for payment of \$660.00 attorney fees for the defense of an indigent defendant, Verna Glenn, Guardian, re: A. Glenn, a minor. Indictment No. 02-JA-527 (Juvenile Case).
- 313100 MATTHEW A. INGRAM, Attorney, submitting an Order of Court for payment of \$337.50 attorney fees for the defense of an indigent defendant, D. Christmas, a minor. Indictment Nos. 10-JD-60477, 10-JD-60799 and 10-JA-60800 (Juvenile Cases).
- 313101 STEVEN O. ROSS, Attorney, submitting an Order of Court for payment of \$747.50 attorney fees for the defense of an indigent defendant, Reimundo Dominguez, Father, re: the Dominguez and Garcia children, minors. Indictment Nos. 10-JA-610, 10-JA-611, 10-JA-612, 10-JA-613 and 10-JA-614 (Juvenile Cases).
- 313102 STEVEN O. ROSS, Attorney, submitting an Order of Court for payment of \$403.88 attorney fees for the defense of an indigent defendant, Jose Juarez, Father, re: the West children, minors. Indictment Nos. 02-JA-1726 and 02-JA-1727 (Juvenile Cases).
- 313104 DEAN C. MORASK, Attorney, submitting an Order of Court for payment of \$931.25 attorney fees for the defense of an indigent defendant, Antonio White, Father, re: the White children, minors. Indictment Nos. 09-JA-851, 09-JA-852, 09-JA-853 and 09-JA-854 (Juvenile Cases).

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- 313105 DEAN C. MORASK, Attorney, submitting an Order of Court for payment of \$150.00 attorney fees for the defense of an indigent defendant, Ernest Finch, Father, re: A. Rivera, a minor. Indictment No. 09-JA-797 (Juvenile Case).
- 313106 DEAN C. MORASK, Attorney, submitting an Order of Court for payment of \$862.60 attorney fees for the defense of an indigent defendant, Harry Keith Hardy, Father, re: K. Hardy, a minor. Indictment No. 10-JA-606 (Juvenile Case).
- 313107 SHELDON B. NAGELBERG, Attorney, submitting an Order of Court for payment of \$312.50 attorney fees for the defense of an indigent defendant, Diana Benavides, Mother, re: E. Benavides and K. Harris, minors. Indictment Nos. 02-JA-1431 and 02-JA-1432 (Juvenile Cases).
- 313108 SHELDON B. NAGELBERG, Attorney, submitting an Order of Court for payment of \$555.00 attorney fees for the defense of an indigent defendant, Veronica Escoe, Mother, re: the Boyd, Dudley, Escoe and Gaddis children, minors. Indictment Nos. 09-JA-0777, 09-JA-0778, 09-JA-0779, 09-JA-0780, 09-JA-0781 and 09-JA-0782 (Juvenile Cases).
- 313109 SHELDON B. NAGELBERG, Attorney, submitting an Order of Court for payment of \$471.25 attorney fees for the defense of an indigent defendant, Melinda Hill, Mother, re: the Hill children, minors. Indictment Nos. 10-JA-0200 and 10-JA-0201 (Juvenile Cases).
- 313110 SHELDON B. NAGELBERG, Attorney, submitting an Order of Court for payment of \$306.25 attorney fees for the defense of an indigent defendant, Frank Johnson, Father, re: the Johnson children, minors. Indictment Nos. 94-JA-0044 and 94-JA-0876 (Juvenile Cases).
- 313111 SHELDON B. NAGELBERG, Attorney, submitting an Order of Court for payment of \$748.75 attorney fees for the defense of an indigent defendant, Charlotte Saunders, Mother, re: D. Saunders, a minor. Indictment No. 10-JA-412 (Juvenile Case).

JUVENILE CASES APPROVED FISCAL YEAR 2011 TO PRESENT:	\$1,696,846.55
JUVENILE CASES TO BE APPROVED:	\$42,707.77

SPECIAL COURT CASES

- 313038 QUERREY & HARROW, LTD., Daniel F. Gallagher, Paul O'Grady, Larry S. Kowalczyk and Patrick G. Connelly, Special State's Attorneys, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$9,810.69 attorney fees and expenses regarding United States of America v. Cook County, et al., Case No. 10-C-2946 (Petition for Appointment of Special State's Attorney, Case No. 10-CH-25533), for the period of March 23 through April 20, 2011. To date \$207,345.19 has been paid. This invoice was approved by the Litigation Subcommittee at its meeting of May 4, 2011. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.
- 313039 DONOHUE, BROWN, MATHEWSON & SMYTH, LLC, Richard H. Donohue, Timothy L. Hogan and Cortney S. Closey, Special State's Attorneys, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$19,331.44 attorney fees and expenses regarding Victor Santana v. Cook County Board of Review, et al., Case No. 09-C-5027 (Petition for Appointment of Special State's Attorney, Case No. 09-CH-39547), for the period of July 9 through December 27, 2010. To date \$28,132.06 has been paid. This

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invoice was approved by the Litigation Subcommittee at its meetings of March 2, 2011 and April 7, 2011. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.

- 313040 QUERREY & HARROW, LTD., Daniel F. Gallagher, Terrence F. Guolee, Larry S. Kowalczyk, Paul O'Grady, Dominick L. Lanzito and Kevin Casey, Special State's Attorneys, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$1,881.10 attorney fees and expenses regarding Streeter v. Sheriff of Cook County, et al., Case No. 08-C-732 (Petition for Appointment of Special State's Attorney, Case No. 08-CH-20570), for the period of December 23, 2010 through April 22, 2011. To date \$153,987.06 has been paid. This invoice was approved by the Litigation Subcommittee at its meeting of May 4, 2011. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.
- 313072 HINSHAW & CULBERTSON, LLP, Matthew P. Walsh, II, James M. Lydon, Steven L. Klaczynski and Frank J. Marsico, Special State's Attorneys, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$39,914.41 attorney fees and expenses regarding Fairley, et al. v. Andrews, et al., Case No. 03-C-5207 (Petition for Appointment of Special State's Attorney, Case No. 03-CH-13088), for the period of February 21 through March 31, 2011 (attorney fees), and March 4-31, 2011 (expenses). To date \$1,479,117.68 has been paid. This invoice was approved by the Litigation Subcommittee at its meeting of May 4, 2011. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.
- 313073 QUERREY & HARROW, LTD., Daniel F. Gallagher, Terrence F. Guolee, Larry S. Kowalczyk and Dominick L. Lanzito, Special State's Attorneys, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$4,213.50 attorney fees and expenses regarding Hernandez v. Cook County Sheriff's Department, et al., Case No. 07-C-855 (Petition for Appointment of Special State's Attorney, Case No. 07-CH-05603), for the period of March 23 through April 19, 2011. To date \$376,954.71 has been paid. This invoice was approved by the Litigation Subcommittee at its meeting on May 4, 2011. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.
- 313074 QUERREY & HARROW, LTD., Daniel P. Duffy, Special State's Attorney, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$26,121.84 attorney fees and expenses regarding Fairley, et al. v. Andrews, et al., Case No. 03-C-5207 (Petition for Appointment of Special State's Attorney, Case No. 03-CH-13088), for the month of March 2011. To date \$457,387.54 has been paid. This invoice was approved by the Litigation Subcommittee at its meeting on May 4, 2011. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.
- 313088 MARK J. VOGEL, Complaint Administrator, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$37,287.40 fees and expenses regarding Shakman, et al. v. Cook County, USDC No. 69-C-2145. On February 12, 2009, the United States District Court entered an Order appointing Mark J. Vogel the Post Supplemental Relief Order Complaint Administrator for Cook County. As part of this Order, Cook County is required to pay the reasonable fees and expenses incurred by the Complaint Administrator for Cook County. On May 25, 2011, Magistrate Judge Sidney I. Schenkier entered an order approving fees and expenses for the 53rd Unopposed Petition in the amount of \$37,287.40

made payable to Mark J. Vogel, Complaint Administrator. To date, Mark J. Vogel has been paid \$1,231,770.57. Mr. Vogel has accumulated total fees and expenses of \$1,269,057.97 as of today's date. Please forward the check to Lisa M. Meador, Assistant State's Attorney, for transmittal.

- 313089 CARDELLE SPANGLER, Compliance Administrator for the Recorder of Deeds, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$28,207.00 fees and expenses regarding Shakman, et al. v. Cook County Recorder of Deeds, USDC No. 69-C-2145. On July 30, 2010, the United States District Court entered a Supplemental Relief Order (SRO) for the Recorder of Deeds in this matter requiring the appointment of a Compliance Administrator. As part of the SRO, Cook County is required to pay the reasonable fees and expenses incurred by the Compliance Administrator for the Recorder of Deeds. Settlement of this matter was approved by the Finance Committee's Subcommittee on Litigation at its meeting of July 21, 2010. On May 11, 2011, Magistrate Judge Sidney I. Schenkier entered an order approving fees and expenses for the 17th Unopposed Petition in the amount of \$28,207.00 made payable to Cardelle Spangler, Compliance Administrator for the Cook County Recorder of Deeds. To date, Ms. Spangler has been paid \$337,511.34. Ms. Spangler has accumulated total fees and expenses of \$365,718.34 as of today's date. Please forward the check to Lisa M. Meador, Assistant State's Attorney, for transmittal.
- 313091 CARDELLE SPANGLER, Compliance Administrator for the Recorder of Deeds, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$20,867.70 fees and expenses regarding Shakman, et al. v. Cook County Recorder of Deeds, USDC No. 69-C-2145. On July 30, 2010, the United States District Court entered a Supplemental Relief Order (SRO) for the Recorder of Deeds in this matter requiring the appointment of a Compliance Administrator. As part of the SRO, Cook County is required to pay the reasonable fees and expenses incurred by the Compliance Administrator for the Recorder of Deeds. Settlement of this matter was approved by the Finance Committee's Subcommittee on Litigation at its meeting of July 21, 2010. On May 24, 2011, Magistrate Judge Sidney I. Schenkier entered an order approving fees and expenses for the 18th Unopposed Petition in the amount of \$20,867.70 made payable to Cardelle Spangler, Compliance Administrator for the Cook County Recorder of Deeds. To date, Ms. Spangler has been paid \$337,511.34. Ms. Spangler has accumulated total fees and expenses of \$386,586.04 as of today's date. Please forward the check to Lisa M. Meador, Assistant State's Attorney, for transmittal.
- 313116 THE KAPLAN GROUP, LTD., Raymond D. Pijon and Paul A. Wagner, Special State's Attorneys, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$32,691.50 attorney fees and expenses regarding *United States District Court of the Northern District of Illinois Special December 2005 Grand Jury Subpoena*, Case No. 05-GJ-1472, for the months of December 2005 through August 2010. These fees were the result of a Federal Special Grand Jury Investigation of 2005 into the operations of the Bureau of Human Resources. This investigation has concluded with no action having been taken. No funds have been expended to date by Cook County in this matter. To date zero dollars has been paid. The invoices were approved by the Litigation Subcommittee at its meeting of March 2, 2011. State's Attorney recommends payment of \$32,691.50, made payable in five (5) separate checks as follows:

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1. the first check in the amount of \$1,675.00 made payable to “The Law Office of Mark Rotert”;
2. the second check in the amount of \$12,500.00 made payable to “Jeffrey B. Steinback”;
3. the third check in the amount of \$3,587.50 made payable to “The Kaplan Group, Ltd.”;
4. the fourth check in the amount of \$11,766.00 made payable to “Law Office of Raymond D. Pijon” and;
5. the fifth check in the amount of \$3,163.00 made payable to “Paul A. Wagner”.

Please forward the checks to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.

SPECIAL COURT CASES APPROVED FISCAL YEAR 2011 TO PRESENT:	\$4,030,019.80
SPECIAL COURT CASES TO BE APPROVED:	\$220,326.58

COMMISSIONER GOSLIN, SECONDED BY COMMISSIONER GARCIA, MOVED APPROVAL OF THE COURT ORDERS, AS AMENDED. THE MOTION CARRIED.

SECTION 2

Your Committee has considered the following numbered and described bills and recommends that they be, and upon the adoption of this report, approved and that the County Comptroller and County Treasurer are authorized and directed to issue checks to said claimants in the amounts recommended.

- 312962 ORACLE USA, INC., Chicago, Illinois, submitting invoice totaling \$286,242.70, full payment for Contract No. 06-45-207, for annual software maintenance services for the Financial Management Information System (FMIS) for the Bureau of Technology, for the months of January through April 2011 (009-441 Account). Purchase Order No. 176201, approved by County Board May 16, 2006, December 6, 2006, January 9, 2007, November 6, 2007, April 1, 2009, November 4, 2009, and January 19, 2011.
- 313017 STANDARD PARKING, Chicago, Illinois, submitting invoice totaling \$351,364.80, part payment for Contract No. 08-53-279, for parking management services at the Juvenile Temporary Detention Center garage for the Department of Facilities Management, for the months of November 2010 through March 2011 (499-260 Account). Purchase Order No. 176844, approved by County Board September 3, 2008.
- 313031 CATALYST CONSULTING GROUP, INC., Chicago, Illinois, submitting invoice totaling \$160,009.75, part payment for Contract No. 11-41-44, for service, maintenance and hosting of web based applications for the County Clerk's Office, Election Division, for the months of December 2010 through April 2011 (524-260 Account). Purchase Order No. 176808, approved by County Board December 1, 2010.
- 313032 THE CHICAGO BAR FOUNDATION, Chicago, Illinois, submitting invoice totaling \$321,580.00, full payment for Contract No. 10-41-33, to provide legal aid and mediation

services for the court's Mortgage Foreclosure Mediation Program for the Circuit Court of Cook County, Office of the Chief Judge, for the period of March 15 through July 14, 2011 (310-260 Account). Purchase Order No. 176650, approved by County Board March 2, 2010, December 5, 2010, December 14, 2010 and March 1, 2011.

COMMISSIONER COLLINS VOTED NO ON THE ABOVE ITEM.

- 313033 ACCENTURE, LLP, Chicago, Illinois, submitting invoice totaling \$250,000.00, full payment for Contract No. 11-50-006, for strategic sourcing consulting services for the Office of the Purchasing Agent (030-260 Account). Purchase Order No. 176536, approved by County Board April 6, 2011.

COMMISSIONERS COLLINS, GAINER AND SUFFREDIN VOTED NO ON THE ABOVE ITEM.

- 313037 DOMINION VOTING SYSTEMS, INC., Charlotte, North Carolina, submitting invoice totaling \$230,000.00, part payment for Contract No. 09-41-287, for support and maintenance of the ballot tabulation system for the 2011 Consolidated Election for the County Clerk's Office, Election Division (524-260 Account). (See Comm. No. 311966). Purchase Order No. 175644, approved by County Board July 21, 2009.
- 313112 INTERNATIONAL BUSINESS MACHINES CORPORATION (IBM), Oakbrook Terrace, Illinois, submitting two (2) invoices totaling \$421,420.00, part payment for Contract No. 10-41-157, for the planning implementation and maintenance of a Countywide Business Continuity Plan and Disaster Recovery capabilities for the Bureau of Technology, for the period of November 3, 2010 through November 2, 2011 (715/009-579 Account). Purchase Order No. 174721, approved by County Board June 1, 2010.
- 313117 UNIVERSITY OF ILLINOIS EXTENSION, Matteson, Illinois, submitting invoice totaling \$250,000.00, 1st part payment to assist in delivering educational programs to residents of Cook County by the University of Illinois (formerly Cooperative Extension Service). Funds are for 4-H community workers; travel for staff; telephone and other utilities; and office space in several locations (490-298 Account). Approved by County Board February 25, 2011.

COMMISSIONER GOSLIN, SECONDED BY COMMISSIONER COLLINS, MOVED APPROVAL OF THE BILLS AND CLAIMS. THE MOTION CARRIED.

SECTION 3

Your Committee has considered the following communications from State's Attorney, Anita Alvarez with reference to the workers' compensation claims hereinafter mentioned.

Your Committee, therefore, recommends that the County Comptroller and County Treasurer be, and by the adoption of this report, are authorized and directed to issue checks to the Workers' Compensation Commission to be paid from the Workmen's Compensation Fund.

- 313034 CONSTANCE REYNOLDS, in the course of her employment as a Probation Officer for the Adult Probation Department sustained accidental injuries on December 1, 2005. The Petitioner experienced an allergic reaction due to the location of her work environment in

close proximity to a large mold deposit in the basement of Cook County Criminal Courts Building, and as a result she developed severe nasal allergies (chronic rhinitis, chronic sinusitis, occlusion of the right nasal passage secondary to hypertrophy of the mucosa over the turbinates). Prior/Pending claims: none. State's Attorney, Anita Alvarez, is submitting Workers' Compensation Commission Lump Sum Petition and Order No. 07-WC-42863 in the amount of \$11,834.40 and recommends its payment. This settlement is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: William H. Martay, Law Firm of Sandman, Levy & Petrich and Martay & Martay.

313035 MARQUIS BEAUCHAMP, in the course of his employment as a Correctional Officer for the Department of Corrections sustained accidental injuries on May 13, 2008. The Petitioner was attacked by a combative inmate, and as a result he injured his back, wrist and hand (lumbar strain and right wrist sprain). Prior/pending claims: none. State's Attorney, Anita Alvarez, is submitting Workers' Compensation Commission Lump Sum Petition and Order No. 10-WC-04317 in the amount of \$2,000.00 and recommends its payment. This settlement is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: Anthony J. Cuda, Cuda Law Offices, Ltd.

313036 GILBERT ALDAPE, in the course of his employment as a Building Services Worker for Oak Forest Hospital of Cook County sustained accidental injuries on May 19, 2007 and June 21, 2007. The May 19, 2007 accident occurred when the Petitioner injured his back while moving furniture in order to clean the floor. The June 21, 2007 accident occurred when the Petitioner bent over to pick up cleaning tools when he felt a strain in his lower back, and as a result of these accidents he injured his back (lumbosacral sprain). Prior/Pending claims: none. State's Attorney, Anita Alvarez, is submitting Workers' Compensation Commission Lump Sum Petition and Order Nos. 07-WC-34666 and 07-WC-34667 in the amount of \$4,100.00 and recommends its payment. This settlement is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: John J. Cronin, Law Firm of Cronin, Peters & Cook, P.C.

WORKERS' COMPENSATION CLAIMS APPROVED FISCAL YEAR 2011

TO PRESENT:

\$2,981,982.47

WORKERS' COMPENSATION CLAIMS TO BE APPROVED:

\$17,934.40

COMMISSIONER SCHNEIDER SECONDED BY COMMISSIONER TOBOLSKI, MOVED APPROVAL OF THE WORKERS' COMPENSATION CLAIMS. THE MOTION CARRIED.

SECTION 4

Your Committee has considered the following communications from the Cook County Department of Risk Management requesting the County Board to authorize subrogation recoveries.

Your Committee, concurring in the requests of the Cook County Department of Risk Management recommends the authorization of subrogation recoveries be granted.

313059 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Subrogation Recovery of \$1,452.67. Claim No. 20050461, Telecommunication Operations Department.

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Responsible Party: Laura D. Hrubec (Owner and Driver), 3015 Brossman Street, Naperville, Illinois 60564
Damage to: Telecommunication Operations Department vehicle
Our Driver: Robert L. Zemke, Unit #M180763
Date of Accident: September 20, 2010
Location: 203 North LaSalle Street, Chicago, Illinois (016-444 Account).

313060 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Subrogation Recovery of \$422.40. Claim No. 20050502, Sheriff's Police Department.

Responsible Party: Melvin Krejci (Owner and Driver), 1425 Raymond Street, LaGrange Park, Illinois 60525
Damage to: Sheriff's Police Department vehicle
Our Driver: Christopher Rago, Unit #1014
Date of Accident: February 16, 2011
Location: 31st Street near Kemman Avenue, LaGrange Park, Illinois (211-444 Account).

313061 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Subrogation Recovery of \$2,988.36. Claim No. 20050504, Sheriff's Police Department.

Responsible Party: Courtney E. Lang (Owner and Driver), 7 Brittany Court, South Elgin, Illinois 60177
Damage to: Sheriff's Police Department vehicle
Our Driver: Ronald P. Russell, Unit #3804
Date of Accident: March 24, 2011
Location: Wilke Road near Central Road, Arlington Heights, Illinois (211-444 Account).

SUBROGATION RECOVERIES APPROVED FISCAL YEAR 2011 TO PRESENT:	\$19,537.74
SUBROGATION RECOVERIES TO BE APPROVED:	\$4,863.43

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE SUBROGATION RECOVERIES. THE MOTION CARRIED.

SECTION 5

Your Committee has considered the following communications from the Cook County Department of Risk Management requesting that the County Board authorize payment of said claims.

Your Committee, concurring in the requests of the Cook County Department of Risk Management, recommends that the County Comptroller and County Treasurer be, and by the adoption of this report, authorized and directed to issue checks to claimants in the amounts recommended.

313076 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Self-Insurance Program Settlement Claim payment of \$7,300.59. Claim No. 97008679, Clerk of the Circuit Court.

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Claimant: The CEI Group a/s/o GE Fleet Services, 4850 Street Road, Suite 220,
Trevose, Pennsylvania 19053
Claimant's Vehicle: 2007 Utilmaster Workhorse Van
Our Driver: Stanislaw Gil, Unit #M126451
Prior Accident(s): 0
Date of Accident: September 3, 2010
Location: 26th Street and California Avenue, Chicago, Illinois

The Clerk of the Circuit Court vehicle was traveling eastbound on 26th Street in Chicago, and failed to stop at a red signal, striking the Claimant's vehicle and causing damage to front left bumper (542-846 Account). Investigated by Cannon Cochran Management Services, Inc. We concur and recommend payment of the above charge.

- 313090 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Self-Insurance Program Settlement Claim payment of \$900.00. Claim No. 97008893, Highway Department.

Claimant: Aaron Reichlin, 630 North State Street, Apt. 2407, Chicago, Illinois 60654
Claimant's Vehicle: 2008 Honda Fit
Date of Accident: February 22, 2011
Location: Northbound on Crawford Avenue at Hull Street, Skokie, Illinois

Claimant was traveling northbound on Crawford Street between Hull Street and Mulford Street in Skokie, and hit several potholes causing damage to vehicle's left front and rear tires, front strut and rear shock absorber (542-846 Account). Investigated by Cannon Cochran Management Services, Inc. We concur and recommend payment.

- 313092 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Self-Insurance Program Settlement Claim payment of \$350.00. Claim No. 97008892, Highway Department.

Claimant: Roberta B. Nuss, 8717 Springfield Avenue, Skokie, Illinois 60076
Claimant's Vehicle: 2001 Oldsmobile Alero
Date of Accident: February 19, 2011
Location: Southbound on Crawford Avenue near Oakton Avenue, Skokie, Illinois

Claimant was traveling southbound on Crawford Street near Oakton Avenue in Skokie, and struck a pothole causing damage to right front tire and rim (542-846 Account). Investigated by Cannon Cochran Management Services, Inc. We concur and recommend payment of the above charge.

- 313093 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Self-Insurance Program Settlement Claim payment of \$1,502.02. Claim No. 97008909, Sheriff's Police Department.

Claimant: Fabian M. Amancha, 1776 Norwood Avenue, Itasca, Illinois 60143
Claimant's Vehicle: 2002 Jeep Cherokee
Our Driver: Adam M. Dowdell, Unit #2331
Prior Accident(s): 1
Date of Accident: March 16, 2011
Location: Elmhurst Road and Landmeier Road, Elk Grove Township

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The Sheriff's Police vehicle was traveling northbound on Elmhurst Road in Elk Grove Township. Claimant stopped his vehicle abruptly and the County driver struck his vehicle causing damages to the rear bumper of Claimant's vehicle (542-846 Account). Investigated by Cannon Cochran Management Services, Inc. We concur and recommend payment of the above charge.

313097 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Self-Insurance Program Settlement Claim payment of \$1,526.05. Claim No. 97008801, Bureau of Health Service.

Claimant: Patricia Anne Weber, 2380 Klock Court, Montgomery, Illinois 60538
Claimant's Vehicle: 2007 Nissan Altima
Our Driver: William T. Foley, Unit #30400
Prior Accident(s): 0
Date of Accident: February 14, 2011
Location: Orchard Road and Indian Trail Road, Aurora, Illinois

The claim in this matter was previously paid in the amount of \$1,038.84 (See Comm. No. 311606). This bill represents an amount due after additional repair work was performed. The amount of the supplemental repair estimate written by Glen Ellyn Auto Body, Inc. is for an additional \$1,526.05. The damages outlined in the original and supplemental estimates were reviewed carefully by Cannon Cochran Management Services, Inc. and coincide with damage to the Claimant's rear bumper and there was no reference to pre-existing damage (542-846 Account). Investigated by Cannon Cochran Management Services, Inc. We concur and recommend payment of the above charge of \$1,526.05.

SELF-INSURANCE CLAIMS APPROVED FISCAL YEAR 2011 TO PRESENT:	\$65,567.82
SELF-INSURANCE CLAIMS TO BE APPROVED:	\$11,578.66

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE SELF-INSURANCE PROGRAM SETTLEMENT CLAIMS. THE MOTION CARRIED.

SECTION 6

Your Committee has considered the following communications from State's Attorney, Anita Alvarez.

Your Committee, concurring in the recommendations of the State's Attorney, recommends that the County Comptroller and County Treasurer prepare checks in the amounts recommended in order that the payments may be set in accordance with the request of the State's Attorney upon proper release from the Office of the State's Attorney.

313041 STATE'S ATTORNEY, Anita Alvarez, submitting communication advising the County to accept Proposed Settlement of \$6,500,000.00 for the release and settlement of suit regarding Amelia Saragosa v. County of Cook, Case No. 05-L-5814 and Appellate Court No. 10-1302. We have settled this alleged medical negligence case for the sum of \$6,500,000.00, which is within the authority granted to this office by the Finance Committee's Subcommittee on Litigation at its meeting of May 4, 2011. State's Attorney recommends payment of \$6,500,000.00, made payable in three (3) separate checks as follows:

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1. the first check in the amount of \$4,000,000.00, payable to “Amelia Saragosa, as Plenary Guardian of Gabriel Saragosa, and Hurley, McKenna & Mertz”;
2. the second check in the amount of \$1,250,000.00 made payable to “PASSCorp. (Prudential Assignment Settlement Services Corporation)” and;
3. the third check in the amount of \$1,250,000.00 made payable to “John Hancock Assignment Company”.

Please forward the checks to Joyce E. Schoonover, Assistant State’s Attorney, Deputy Supervisor, Medical Litigation Section, for transmittal.

- 313042 STATE’S ATTORNEY, Anita Alvarez, submitting communication advising the County to accept Proposed Settlement of \$45,000.00 for the release and settlement of suit regarding Michael R. v. Nick Martinez, et al., Case No. 09-C-7818. This matter involves an allegation of a civil rights violation at the Juvenile Temporary Detention Center. The matter has been settled for the sum of \$45,000.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State’s Attorney’s Office. State’s Attorney recommends payment of \$45,000.00, made payable to Parts & Spencer and Michael Rosellini. Please forward the check to Ronald Weidhuner, Assistant State’s Attorney, for transmittal.
- 313043 STATE’S ATTORNEY, Anita Alvarez, submitting communication advising the County to accept Proposed Settlement of \$15,000.00 for the release and settlement of suit regarding Tomeika Burse v. Sheriff, et al., Case No. 08-C-5761. This matter involves an allegation of civil rights violations. The matter has been settled for the sum of \$15,000.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State’s Attorney’s Office. State’s Attorney recommends payment of \$15,000.00, made payable to Martin L. Glink Law Offices and Tomeika Burse. Please forward the check to Michael L. Gallagher, Assistant State’s Attorney, for transmittal.
- 313044 STATE’S ATTORNEY, Anita Alvarez, submitting communication advising the County to accept Proposed Settlement of \$2,700.00 for the release and settlement of suit regarding Mickey Mason v. Officer Rottar, et al., Case No. 09-C-6701. This matter involves allegations of a civil rights violation while Plaintiff was a pretrial detainee at the Department of Corrections. The matter has been settled for the sum of \$2,700.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State’s Attorney’s Office. State’s Attorney recommends payment of \$2,700.00, made payable to Mickey Mason. Please forward the check to Aaron R. Bond, Assistant State’s Attorney, for transmittal.
- 313086 STATE’S ATTORNEY, Anita Alvarez, submitting communication advising the County to accept Proposed Settlement of \$1,500.00 for the release and settlement of suit regarding Carlton Coleman v. Godinez, et al., Case No. 08-C-5974. This matter involves allegations of civil rights violations while Plaintiff was detained at the Department of Corrections. The matter has been settled for the sum of \$1,500.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State’s Attorney’s Office. State’s Attorney recommends payment of \$1,500.00, made payable to Carlton Coleman. Please forward the check to Paul W. Groah, Assistant State’s Attorney, for transmittal.

- 313087 STATE'S ATTORNEY, Anita Alvarez, submitting communication advising the County to accept Proposed Settlement of \$30,000.00 for the release and settlement of suit regarding Lanza v. City of Chicago, et al., Case No. 08-C-5103. This matter involves an allegation of a civil rights violation. The matter has been settled for the sum of \$30,000.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. State's Attorney recommends payment of \$30,000.00, made payable to Loevy & Loevy. Please forward the check to R. Seth Shippee, Assistant State's Attorney, Special Projects & Assignments Unit, for transmittal.
- 313114 STATE'S ATTORNEY, Anita Alvarez, submitting communication advising the County to accept Proposed Settlement of \$500.00 for the release and settlement of suit regarding John Hopkins v. Thomas Dart, et al., Case No. 10-C-2820. This matter involves allegations of a civil rights violation while Plaintiff was a pretrial detainee at the Department of Corrections. The matter has been settled for the sum of \$500.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. State's Attorney recommends payment of \$500.00, made payable to John Hopkins. Please forward the check to Aaron R. Bond, Assistant State's Attorney, for transmittal.
- 313115 STATE'S ATTORNEY, Anita Alvarez, submitting communication advising the County to accept Proposed Settlement of \$3,000.00 for the release and settlement of suit regarding Matthew Taylor v. Cook County, et al., Case No.10-C-4099. This matter involves allegations of a civil rights violation while Plaintiff was a pretrial detainee at the Department of Corrections. The matter has been settled for the sum of \$3,000.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. State's Attorney recommends payment of \$3,000.00, made payable to Meyer and Kiss, LLC and Matthew Taylor. Please forward the check to Aaron R. Bond, Assistant State's Attorney, for transmittal.

PROPOSED SETTLEMENTS APPROVED FISCAL YEAR 2011 TO PRESENT:	\$12,022,604.22
PROPOSED SETTLEMENTS TO BE APPROVED:	\$6,597,700.00

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE PROPOSED SETTLEMENTS. THE MOTION CARRIED.

SECTION 7

Your Committee has considered the following communications from the Cook County Department of Risk Management requesting that the County Board authorize payment of said claims.

Your Committee concurring in the requests of the Cook County Department of Risk Management, recommends that the County Comptroller and County Treasurer be, and by the adoption of this report, are authorized and directed to issue checks to claimants in the amounts recommended.

- 313075 PATIENT/ARRESTEE SETTLEMENT PROGRAM CLAIMS. The Department of Risk Management is submitting invoices totaling \$61,439.56, for payment of medical bills for services rendered to patients while in the custody of the Cook County Sheriff's Office. Their services were rendered under the Patient/Arrestee Settlement Program (542-274 Account). Bills were approved for payment after review and re-pricing by Cambridge Integrated Services Group or the Illinois Department of Healthcare and Family Services, and by the Department of Risk Management, who recommends payment based on Cook County State's

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Attorney's Legal Opinion No. 1879, dated July 14, 1987. Individual checks will be issued by the Comptroller in accordance with the attached report prepared by the Department of Risk Management.

	<u>YEAR TO DATE</u>	<u>TO BE APPROVED</u>
TOTAL BILLED	\$3,645,486.17	\$142,372.89
UNRELATED	\$1,272,549.80	\$49,034.47
IDHFS DISCOUNT	\$407,787.96	\$19,559.48
PROVIDER DISCOUNT	\$410,067.05	\$12,339.38
AMOUNT PAYABLE	\$1,555,081.36	\$61,439.56

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE PATIENT/ARRESTEE CLAIMS. THE MOTION CARRIED.

SECTION 8

Your Committee has considered the following communications received from the Employees' Injury Compensation Committee requesting that the County Board authorize payment of expenses regarding claims of Cook County employees injured while in the line of duty.

Your Committee, concurring in said requests, recommends that the County Comptroller and County Treasurer be, and upon the adoption of this report, are authorized and directed to issue checks in the amounts recommended to the claimants.

313113 THE EMPLOYEE'S INJURY COMPENSATION COMMITTEE, submitting invoice totaling \$225,035.99, for payment of medical bills for Workers' Compensation cases incurred by employees injured on duty. Individual checks will be issued by the Comptroller in accordance with the attached report prepared by the Department of Risk Management, Workers' Compensation Unit. This request covers bills received and processed from June 2-14, 2011.

EMPLOYEES' INJURY COMPENSATION CLAIMS APPROVED FISCAL YEAR 2011

TO PRESENT: \$4,161,343.38

EMPLOYEES' INJURY COMPENSATION CLAIMS TO BE APPROVED: \$225,035.99

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE EMPLOYEES' INJURY COMPENSATION CLAIMS. THE MOTION CARRIED.

SECTION 9

Your Committee has considered the following items and upon adoption of this report, the recommendation are as follows:

312495 **CIRCUIT COURT OF COOK COUNTY**, by Timothy C. Evans, Chief Judge, transmitting a Communication, dated March 17, 2011:

requesting authorization for the Purchasing Agent to advertise for bids for court-ordered drug testing services for adult probationers.

Contract period: October 1, 2011 through September 30, 2014. (532-278 Account). Requisition No. 15324038.

Sufficient funds are available in the Adult Probation/Probation Service Fee Fund.

Referred to the Committee on Finance on 05/4/11.

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER SUFFREDIN, MOVED APPROVAL OF COMMUNICATION NO. 312495. THE MOTION CARRIED.

313016 **AN AMENDMENT TO CHAPTER 2 - ADMINISTRATION, ARTICLE VII - ETHICS, SECTION 2-585. - LIMITATIONS OF CONTRIBUTIONS TO CANDIDATES AND ELECTED OFFICIALS (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment sponsored by Elizabeth "Liz" Doody Gorman and ~~Larry Suffredin~~, Earlean Collins, Joan Patricia Murphy, Deborah Sims, Robert B. Steele and Edwin Reyes, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Section 2-585 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-585. Limitations of contributions to candidates and elected officials.

(a) No person shall make contributions exceeding the limits established by the Election Code, 10 ILCS 5/9-1 et. seq., when making contributions to any of the following elected officials or candidates for such office: County Board President; Cook County Commissioner; Cook County State's Attorney; Cook County Clerk of the Circuit Court; Cook County Assessor; Cook County Treasurer; Cook County Board of Review Commissioner; Cook County Clerk; and Cook County Recorder of Deeds except as otherwise provided in Sec. 2-585.

(b) No person who does business with the County or who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall make contributions in an aggregate amount exceeding \$750.00:

- (1) To any candidate for County office or elected County official during a single candidacy; or
- (2) To ~~an elected official of the government of the~~ any County elected official during any nonelection year of his or her term.
- (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

~~(b)~~ (c) For purposes of Subsection ~~(a b)~~ of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection ~~(a b)~~ of this section.

~~(e)~~ (d) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

~~(d)~~ (e) For purposes of Subsection ~~(a b)~~ of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12 consecutive months or during the previous four years. ~~"Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives in any 12 consecutive months during the previous four years.~~

~~(e) To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies in any 12 consecutive months during the previous four years as result, must adhere to the campaign contribution limitations set forth by the Cook County Ethics Ordinance. The Zoning Board, Zoning Administrator, Board of Review and County Assessor shall provide a list to the Board of Ethics, updated quarterly, of attorneys, law firms, and tax representatives filing appeals at their office.~~

~~The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.~~

(f) For purposes of Subsection ~~(a b)~~ of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection ~~(d e)~~ of this section.

(g) Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of county finances are prohibited from making campaign contributions to any County official or candidate for County office.

(h) Any firm, or its officers, directors or partners, contracted by the County to act as financial counsel, bond counsel, underwriter's counsel, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any county official or candidate for county office.

(i) Any candidate for any county office or any current elected official in Cook County government shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject to fines under Section 2-602(d).

***Referred to the Committee on Finance on 06/1/11.**

COMMISSIONER GORMAN, SECONDED BY COMMISSIONER MURPHY, MOVED TO ACCEPT THE SUBSTITUTE ORDINANCE AMENDMENT FOR COMMUNICATION NO. 313016. THE MOTION CARRIED, AND COMMUNICATION NO. 313016 WAS AMENDED BY SUBSTITUTION, AS FOLLOWS:

SUBSTITUTE ORDINANCE AMENDMENT FOR COMMUNICATION NO. 313016

PROPOSED SUBSTITUTE ORDINANCE AMENDMENT

Sponsored by Elizabeth "Liz" Doody Gorman, ~~Cook County Commissioner, Earlean Collins, Co-Sponsored by Joan Patricia Murphy, Edwin Reyes, Deborah Sims, Robert B. Steele and Larry Suffredin, Cook County Commissioners~~

SUBMITTING A ~~PROPOSED~~ SUBSTITUTE ORDINANCE AMENDMENT TO SECTION 2-585 OF THE COOK COUNTY CODE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Section 2-585 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-585. – Limitations of contributions to candidates and elected officials.

- (a) No person shall make contributions exceeding the limits established by the Election Code, 10 ILCS 5/9-1 et. seq., when making Contributions to any of the following elected officials or candidates for such office: County Board President, Cook County Commissioner; Cook County State's Attorney; Cook County Sheriff; Cook County Clerk of the Circuit Court; Cook County Assessor; Cook County Treasurer; Cook County Board of Review Commissioner; Cook County Clerk; and Cook County Records of Deeds except as otherwise provided in Sec. 2-585.
- (b) ~~(a)~~ No person who does business with the County or who had done business with the County within the preceding four years or is seeking to do business with the County or is a person required to register as a lobbyist registered with the County shall make contributions in an aggregate amount exceeding \$750.00:
- (1) To any candidate for County office or elected County official during a single candidacy; or
 - (2) To an elected official of the government of the County during any nonelection year of his or her term.
 - (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

- (c) ~~(b)~~ For purposes of Subsection (ba) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (ba) of this section.
- (d) ~~(e)~~ Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.
- (e) ~~(d)~~ For purposes of Subsection (ba) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12 consecutive months or during the previous four years. ~~"Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives in any 12 consecutive months during the previous four years.~~
- ~~(e) — To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies in any 12 consecutive months during the previous four years as result, must adhere to the campaign contribution limitations set forth by the Cook County Ethics Ordinance. The Zoning Board, Zoning Administrator, Board of Review and County Assessor shall provide a list to the Board of Ethics, updated quarterly, of attorneys, law firms, and tax representatives filing appeals at their office.~~

~~The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.~~
- (f) For purposes of Subsection (ba) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (ed) of this section.
- (g) Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of county finances are prohibited from making campaign contributions to any county official or candidate for county office.
- (h) Any firm, or its officers, directors or partners, contracted by the County to act as financial council, bond council, underwriter's council, legal council, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any county official or candidate for county office.

- (i) Any candidate for any county office or any current elected official in Cook County government shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject to fines under Section 2-602(d).

COMMISSIONER GORMAN, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE PROPOSED ORDINANCE AMENDMENT (COMMUNICATION NO. 313016), AS AMENDED BY SUBSTITUTION. THE MOTION CARRIED, AND THE PROPOSED AMENDMENT TO THE COOK COUNTY ETHICS ORDINANCE WAS APPROVED AND ADOPTED.

**11-O-62
ORDINANCE**

Sponsored by

**THE HONORABLE ELIZABETH “LIZ” DOODY GORMAN AND EARLEAN COLLINS
COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE JOAN PATRICIA MURPHY, EDWIN REYES, DEBORAH SIMS,
ROBERT B. STEELE AND LARRY SUFFREDIN, COOK COUNTY COMMISSIONERS**

**SUBMITTING A PROPOSED SUBSTITUTE ORDINANCE AMENDMENT
TO SECTION 2-585 OF THE COOK COUNTY CODE**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Section 2-585 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-585. Limitations of contributions to candidates and elected officials.

(a) No person shall make contributions exceeding the limits established by the Election Code, 10 ILCS 5/9-1 et. seq., when making Contributions to any of the following elected officials or candidates for such office: County Board President, Cook County Commissioner; Cook County State’s Attorney; Cook County Sheriff; Cook County Clerk of the Circuit Court; Cook County Assessor; Cook County Treasurer; Cook County Board of Review Commissioner; Cook County Clerk; and Cook County Recorder of Deeds except as otherwise provided in Sec. 2-585.

(b) No person who does business with the County or who had done business with the County within the preceding four years or is seeking to do business with the County or is a ~~registered~~ person required to register as a lobbyist with the County shall make contributions in an aggregate amount exceeding \$750.00.

- (1) To any candidate for County office or elected County official during a single candidacy;
- (2) To an elected official of the government of the County during any nonelection year of his or her term; or

- (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

~~(b)~~ (c) For purposes of Subsection (a b) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a b) of this section.

~~(e)~~ (d) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

~~(d)~~ (e) For purposes of Subsection (a b) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12 consecutive months or during the previous four years. ~~"Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives in any 12 consecutive months during the previous four years.~~

~~(e) — To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies in any 12 consecutive months during the previous four years as result, must adhere to the campaign contribution limitations set forth by the Cook County Ethics Ordinance. The Zoning Board, Zoning Administrator, Board of Review and County Assessor shall provide a list to the Board of Ethics, updated quarterly, of attorneys, law firms, and tax representatives filing appeals at their office.~~

~~The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.~~

(f) For purposes of Subsection (a b) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (~~d~~ e) of this section.

(g) Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of county finances are prohibited from making campaign contributions to any county official or candidate for county office.

(h) Any firm, or its officers, directors or partners, contracted by the County to act as financial counsel, bond counsel, underwriter's counsel, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any county official or candidate for county office.

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(i) Any candidate for any county office or any current elected official in Cook County government shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject to fines under Section 2-602(d).

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

SECTION 10

Your Committee has considered the bids submitted on the items hereinafter described in accordance with the specifications on file in the Office of the County Purchasing Agent. Communications from the County Purchasing Agent submitting recommendations on the award of contracts for said items, be and by the adoption of this Report, awarded as follows. The deposit checks are ordered returned to the unsuccessful bidders at once and to the successful bidder upon the signing of the contract.

COMMISSIONER BUTLER, SECONDED BY COMMISSIONER SUFFREDIN, MOVED APPROVAL OF THE RECOMMENDATIONS REGARDING BID ITEMS 1 THROUGH 5. THE MOTION CARRIED.

BIDS RECOMMENDED FOR AWARD

Item 1 **CONTRACT NO. 11-84-01**

Operation of the cafeteria at the Criminal Courts Administration Building, 2650 South California Avenue, for the Office of the Chief Judge, to:

Ace Coffee Bar, Inc. \$990,810.00

Item 2 **CONTRACT NO. 11-84-07**

Hewlett Packard printer cartridges and supplies, for various Cook County Agencies, to:

Tallgrass Systems, Ltd. \$1,954,525.96

Item 3 **CONTRACT NO. 11-83-14**

2011 prisoner transport buses, for the Sheriff's Office, to:

Midwest Transit Equipment \$370,620.00

Item 5 **CONTRACT NO. 11-83-58**

Publication of Legal Notices, for Cook County Agencies, to:

Chicago Tribune

\$536,740.00

BID RECOMMENDED FOR CANCELLATION AND REBID

Item 4 CONTRACT NO. 11-83-57

Software maintenance, for the Bureau of Technology

SECTION 11

Your Committee has considered the highway bills submitted by the Superintendent of Highways for approval and payment.

Your Committee, after considering said bills, recommends that they be, and by the adoption of this report, approved.

COMMISSIONER MURPHY, SECONDED BY COMMISSIONER GORMAN, MOVED APPROVAL OF THE HIGHWAY BILLS. THE MOTION CARRIED.

COMMISSIONER TOBOLSKI, SECONDED BY COMMISSIONER REYES, MOVED TO ADJOURN. THE MOTION CARRIED AND THE MEETING WAS ADJOURNED.

Respectfully submitted,

COMMITTEE ON FINANCE

JOHN P. DALEY, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Daley, seconded by Commissioner Murphy, moved that the Report of the Committee on Finance be approved and adopted. **The motion carried unanimously.**

REPORT OF THE FINANCE SUBCOMMITTEE ON LITIGATION

June 2, 2011

The Honorable,
The Board of Commissioners of Cook County

Ladies and Gentlemen,

Your Litigation Subcommittee of the Finance Committee of the Board of Commissioners met pursuant to notice on Thursday, June 2, 2011 at 11:00 a.m., in the County Building, Room 569, Chicago, Illinois.

ATTENDANCE:

Present: Chairman Silvestri, Commissioners Collins, Schneider, Suffredin and Tobolski (5).

Absent: Vice Chairman Fritchey and Commissioner Gainer (2).

Also Present: Patrick Driscoll, Jr. – Deputy State’s Attorney, Chief, Civil Actions Bureau; Sharon D. Opryszek – Assistant State’s Attorney

Commissioner Collins seconded by Commissioner Tobolski, moved to receive and file the Case Disposition Summary Report submitted by the State’s Attorney’s Office. The motion carried.

Commissioner Tobolski, seconded by Commissioner Schneider, moved to convene Executive Session. The motion carried.

Commissioner Schneider, seconded by Commissioner Tobolski, moved to return to Regular Session. The motion carried.

Commissioner Schneider, seconded by Commissioner Tobolski, moved to concur with the recommendation of the State’s Attorney’s Office in the matter of *Anatoliy Yarko v. County of Cook* No. 08 L 8876. The motion carried.

Commissioner Schneider, seconded by Commissioner Tobolski, moved to concur with the recommendation of the State’s Attorney’s Office in the matter of *Dorothy J. Lucas, M.D. v. County of Cook* Case No. 09 L 11982. The motion carried.

The matter of *DeAndre Crawford v. Officer Steven Gansel, et al. v. County of Cook* Case No. 09 C 7912 was withdrawn pursuant to a request by the State’s Attorney’s Office.

Commissioner Suffredin, seconded by Commissioner Collins, moved to concur with the recommendation of the law firm of Querry & Harrow to retain Patricia Hardyman, Ph.D. as an Independent Contractor in the matter of *United States of America v. Cook County, et al.*, Case No. 10 C 2946. The motion carried.

Commissioner Collins, seconded by Commissioner Suffredin, moved to Receive and File the information submitted in the matter of *Debroxton Brown v. Sgt. Doody*, Case No. 08 C 5711. The motion carried.

At the request of the State’s Attorney’s Office, Commissioner Schneider, seconded by Commissioner Tobolski, moved to Defer the Status Report of *Jimmy Doe, et al. v. Cook County, et al.*, Case No. 99 C 3945. The motion carried.

Patrick Driscoll, Jr., Deputy State’s Attorney, Chief, Civil Actions Bureau, stated that he would invite Earl Dunlap, Transitional Administrator, Cook County Juvenile Temporary Detention Center, to the next Finance Litigation Subcommittee meeting in reference to the above-mentioned matter of *Jimmy Doe, et al. v. Cook County, et al.*

Commissioner Tobolski, seconded by Commissioner Schneider, moved to defer the invoice submitted in Tab #1 in Volume 2, *Michael L. Shakman v. Sheriff of Cook County*, Case No. 69 C 2145. The motion carried.

Commissioner Schneider, seconded by Commissioner Suffredin, moved to concur with the recommendation of the State’s Attorney’s Office to authorize invoice payments for Special

Counsels as listed in Tab #2 through Tab #5 in Volume 2 which are in compliance with the County's Attorney-Fee Guidelines.

Tab 2

Querrey & Harrow, Ltd.
Fairley, et al. v. Andrews, et al.
Case No. 03 C 5207

Tab 3

Querrey & Harrow, Ltd.
Degorski v. Cook County, et al.
Case No. 04 C 3367

Tab 4

Querrey & Harrow, Ltd.
Hernandez v. Cook County Sheriff's
Case No. 07 C 855
Dept., et al.

Tab 5

Querrey & Harrow, Ltd.
United States of America v. Cook
Case No. 10 C 2946
County, et al.

Commissioner Tobolski seconded by Commissioner Collins, moved to adjourn. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

FINANCE SUBCOMMITTEE ON LITIGATION

PETER N. SILVESTRI, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Silvestri, seconded by Commissioner Tobolski, moved that the Report of the Finance Subcommittee on Litigation be approved and adopted. **The motion carried unanimously.**

**REPORT OF THE FINANCE SUBCOMMITTEE ON REAL ESTATE
AND BUSINESS AND ECONOMIC DEVELOPMENT**

June 14, 2011

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Garcia, Vice Chairman Murphy, Commissioners Gorman and Schneider (4).

Absent: Commissioners Butler, Reyes, and Steele (3).

JOURNAL OF PROCEEDINGS FOR JUNE 14, 2011

Ladies and Gentlemen:

Your Finance Subcommittee on Real Estate and Business and Economic Development of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, June 14, 2011 at the hour of 9:00 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following items and upon adoption of this report, the recommendations are as follows:

312493 COUNTY HIGHWAY DEPARTMENT, by Rupert F. Graham, Jr., P.E., Superintendent of Highways, transmitting a communication:

respectfully requesting permission to discuss the following matter with the Board of Commissioners, or the Finance Subcommittee on Real Estate and Business and Economic Development thereof, pursuant to Cook County Code, Section 34-127 Sale or Purchase of Real Estate.

1. Joe Orr Road,
Bishop Ford Freeway (IL 394) to Burnham Avenue
in the Village of Lynwood in County Board District #6
Section: 04-B6736-02-LA
Parcel: 0026

***Referred to the Finance Subcommittee on Real Estate and Business and Economic Development 05/04/11.**

Vice Chairman Murphy, seconded by Commissioner Schneider, moved approval of Communication No. 312493. The motion carried.

312741 DEPARTMENT OF CAPITAL PLANNING AND POLICY, BUREAU OF ECONOMIC DEVELOPMENT (PROPOSED RESOLUTION). Transmitting a Communication, dated April 18, 2011 from Herman Brewer, Director:

respectfully submitting this resolution regarding Ascent CH2, LLC's request for a Class 6b property tax incentive located at 505-520 Railroad Avenue, ~~Elk Grove Village~~ Northlake, Illinois. The applicant is a data center developer who intends to develop a multi-tenant facility.

Ascent CH2, LLC requests approval of the tax incentive based on the special circumstances that the property has been vacant for less than 24 months; has been purchased for value; and that substantial rehabilitation will be completed under the Class 6b Ordinance. This resolution is required so that the company can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President and Elizabeth "Liz" Doody Gorman, County Commissioner.

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from Ascent CH2, LLC and Resolution No. R-11-2010 from the City of Northlake for an abandoned industrial facility located at 505 - 520 Railroad Avenue, Northlake, Cook County, Illinois, County Board District #17, Property Index Numbers 12-31-200-023-0000 and 12-31-200-025-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

WHEREAS, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

WHEREAS, the Cook County Board of Commissioners has determined that the building was abandoned for 14 months at the time of application, and that special circumstances are present; and

WHEREAS, the applicant estimates that the re-occupancy will create 400 new full-time jobs and 50 part-time jobs; and create 500 construction jobs; and

WHEREAS, the City of Northlake states that the Class 6b tax incentive is necessary for development to occur on this specific real estate. The City resolution has determined that the property is functionally obsolete for modern industrial purposes and therefore is in need of substantial rehabilitation. The further use of this subject property will provide significant present and future employment, both temporary and permanent; and will generate significant new revenues to the City in the form of additional real estate taxes and other tax revenues; and

WHEREAS, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the President and Board of Commissioners validate the property located at 505 - 520 Railroad Avenue, Northlake, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

***Referred to the Finance Subcommittee on Real Estate and Business and Economic Development on 05/17/11.**

Commissioner Gorman, seconded by Vice Chairman Murphy, moved approval of Communication No. 312741, as amended. The motion carried.

**11-R-219
RESOLUTION**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONER**

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from Ascent CH2, LLC and Resolution No. R-11-2010 from the City of Northlake for an abandoned industrial facility located at 505 - 520 Railroad Avenue, Northlake, Cook County, Illinois, County Board District #17, Property Index Numbers 12-31-200-023-0000 and 12-31-200-025-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

WHEREAS, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

WHEREAS, the Cook County Board of Commissioners has determined that the building was abandoned for 14 months at the time of application, and that special circumstances are present; and

WHEREAS, the applicant estimates that the re-occupancy will create 400 new full-time jobs and 50 part-time jobs; and create 500 construction jobs; and

WHEREAS, the City of Northlake states that the Class 6b tax incentive is necessary for development to occur on this specific real estate. The City resolution has determined that the property is functionally

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obsolete for modern industrial purposes and therefore is in need of substantial rehabilitation. The further use of this subject property will provide significant present and future employment, both temporary and permanent; and will generate significant new revenues to the City in the form of additional real estate taxes and other tax revenues; and

WHEREAS, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the President and Board of Commissioners validate the property located at 505 - 520 Railroad Avenue, Northlake, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

312742 DEPARTMENT OF CAPITAL PLANNING AND POLICY, BUREAU OF ECONOMIC DEVELOPMENT (PROPOSED RESOLUTION). Transmitting a Communication, dated April 28, 2011 from Herman Brewer, Director:

respectfully submitting this Resolution regarding New Great Wall Realty, LLC's request for a Class 6b property tax incentive for special circumstances and substantial rehabilitation for an industrial building located at 950 Arthur Avenue, Elk Grove Village, Illinois. Applicant/owner's company is Great Wall Restaurant Supplier, Inc., a warehousing and distribution Seafood Company. The company has many locations around the country and will relocate its national headquarters to the subject property.

New Great Wall Realty, LLC requests approval of the tax incentive based on the special circumstances that the property has been vacant for less than 24 months; has been purchased for value; and substantial rehabilitation will be completed under the Class 6b Ordinance. This Resolution is required so that the company can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President and Elizabeth "Liz" Doody Gorman, County Commissioner.

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from New Great Wall Realty, LLC and Resolution No. 57-10 from the Village of Elk Grove Village for an abandoned industrial facility located at 950 Arthur Avenue, Elk Grove Village, Cook County, Illinois, County Board District #17, Property Index Number 08-34-307-012-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

WHEREAS, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

WHEREAS, the Cook County Board of Commissioners has determined that the building was abandoned for nine (9) months at the time of application and that special circumstances are present; and

WHEREAS, the applicant estimates that the re-occupancy will create 25-30 new full-time jobs, with 75% being new hires and the applicant will hire roughly an additional 20-25 employees in the first five years; and the estimated number of construction jobs are to be determined; and

WHEREAS, the Village of Elk Grove Village states that the Class 6b tax incentive is necessary for development to occur and that special circumstances exist which include the subject property has been vacant for less than 24 months, and there has been a purchase for value. The applicant plans to invest approximately \$1,000,000.00 to \$1,500,000.00 to refurbish the existing facility; and

WHEREAS, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the President and Board of Commissioners validate the property located at 950 Arthur Avenue, Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

***Referred to the Finance Subcommittee on Real Estate and Business and Economic Development on 05/17/11.**

Commissioner Gorman, seconded by Vice Chairman Murphy, moved approval of Communication No. 312742. The motion carried.

**11-R-220
RESOLUTION**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONER**

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from New Great Wall Realty, LLC and Resolution No. 57-10 from the Village of Elk Grove Village for an abandoned industrial facility located at 950 Arthur Avenue, Elk Grove Village, Cook County, Illinois, County Board District #17, Property Index Number 08-34-307-012-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

WHEREAS, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

WHEREAS, the Cook County Board of Commissioners has determined that the building was abandoned for nine (9) months at the time of application and that special circumstances are present; and

WHEREAS, the applicant estimates that the re-occupancy will create 25-30 new full-time jobs, with 75% being new hires and the applicant will hire roughly an additional 20-25 employees in the first five years; and the estimated number of construction jobs are to be determined; and

WHEREAS, the Village of Elk Grove Village states that the Class 6b tax incentive is necessary for development to occur and that special circumstances exist which include the subject property has been vacant for less than 24 months, and there has been a purchase for value. The applicant plans to invest approximately \$1,000,000.00 to \$1,500,000.00 to refurbish the existing facility; and

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WHEREAS, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the President and Board of Commissioners validate the property located at 950 Arthur Avenue, Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

312743 DEPARTMENT OF CAPITAL PLANNING AND POLICY, BUREAU OF ECONOMIC DEVELOPMENT (PROPOSED RESOLUTION). Transmitting a Communication, dated April 28, 2011 from Herman Brewer, Director:

respectfully submitting this Resolution regarding Peter Guglielmi's a/k/a Standard Bank & Trust as Trustee under the provision of trust agreement dated January 27, 2010, known as Trust Number 20762 request for a Class 8 property tax incentive located at 2138 West 183rd Street, Homewood, Illinois. The applicant's plans include a substantial rehabilitation of the existing Mobil Gas Station and Mini Mart Convenient store at the site.

Peter Guglielmi requests approval of the tax incentive based on the special circumstances that the property has been vacant for over 24 months; will have no purchase for value; and that substantial rehabilitation will be completed under the Class 8 Ordinance. This Resolution is required so that the company can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President and ~~Elizabeth "Liz" Doody Gorman~~, Joan Patricia Murphy, County Commissioner.

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 8 that provides an applicant a reduction in the assessment level for a commercial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from Peter Guglielmi a/k/a Standard Bank & Trust as Trustee under the provision of trust agreement dated January 27, 2010, known as Trust Number 20762 and Resolution No. R-2023 from the Village of Homewood for an abandoned commercial facility located at 2138 West 183rd Street, Homewood, Cook County, Illinois, County Board District #6, Property Index Numbers 29-31-315-012-0000 and 29-31-315-013-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for the purpose of Class 8; and

WHEREAS, in the case of abandonment of over 24 months and no purchase for value by a disinterested buyer, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 8 requires a resolution by the County Board validating the property is deemed abandoned for the purposes of Class 8; and

WHEREAS, the Cook County Board of Commissioners has determined that the building has been abandoned for 38 months at the time of application with no purchase for value and that special circumstances are present; and

WHEREAS, the re-occupancy will create an estimated four (4) new full-time jobs, six (6) new part-time jobs and 12 to 15 construction jobs and the Village of Homewood states the Class 8 is necessary for development to occur on this specific real estate and the municipal resolution cites the special circumstances include that the property has been vacant for over 24 months; will have no purchase for value; and is in need of substantial rehabilitation.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 2138 West 183rd Street, Homewood, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 8; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

***Referred to the Finance Subcommittee on Real Estate and Business and Economic Development on 05/17/11.**

Commissioner Gorman, seconded by Vice Chairman Murphy, moved approval of Communication No. 312743, as amended. The motion carried.

**11-R-221
RESOLUTION**

Sponsored by

THE HONORABLE TONI PRECKWINKLE, PRESIDENT

~~ELIZABETH "ANN" DOODY GORMAN AND JOAN PATRICIA MURPHY~~

COUNTY COMMISSIONERS

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 8 that provides an applicant a reduction in the assessment level for a commercial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from Peter Guglielmi a/k/a Standard Bank & Trust as Trustee under the provision of trust agreement dated January 27, 2010, known as Trust Number 20762 and Resolution No. R-2023 from the Village of Homewood for an abandoned commercial facility located at 2138 West 183rd Street, Homewood, Cook County, Illinois, County Board District #6, Property Index Numbers 29-31-315-012-0000 and 29-31-315-013-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for the purpose of Class 8; and

WHEREAS, in the case of abandonment of over 24 months and no purchase for value by a disinterested buyer, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 8 requires a resolution by the County Board validating the property is deemed abandoned for the purposes of Class 8; and

WHEREAS, the Cook County Board of Commissioners has determined that the building has been abandoned for 38 months at the time of application with no purchase for value and that special circumstances are present; and

WHEREAS, the re-occupancy will create an estimated four (4) new full-time jobs, six (6) new part-time jobs and 12 to 15 construction jobs and the Village of Homewood states the Class 8 is necessary for development to occur on this specific real estate and the municipal resolution cites the special circumstances include that the property has been vacant for over 24 months; will have no purchase for value; and is in need of substantial rehabilitation.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 2138 West 183rd Street, Homewood, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 8; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

313004 DEPARTMENT OF PLANNING AND DEVELOPMENT, BUREAU OF ECONOMIC DEVELOPMENT (PROPOSED RESOLUTION). Transmitting a Communication dated May 12, 2011 from Herman Brewer, Director:

respectfully submitting this Resolution regarding MSMC Investors, LLC a/k/a MetroSouth Medical Center's (MetroSouth Hospital) request for a Class 8b property tax incentive for special circumstances and substantial rehabilitation for a hospital that consist of properties located in Blue Island, Illinois. The applicant intends to run a for-profit hospital offering a comprehensive range of medical, surgical, pediatric and obstetric care and continue to run the previous hospital's (St. Francis) nationally acclaimed cardiology program.

MetroSouth Hospital requests approval of the tax incentive based on the special circumstances that real estate and improvements that house inpatient and outpatient hospital based services, where the property has been acquired for hospital use by a for-profit acquirer unrelated to the not-for-profit disposer, thereby avoiding Illinois Health Facilities and Services Review Board discontinuation, for approval under the Class 8b Ordinance. This Resolution is required so that the hospital can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President and Joan Patricia Murphy, County Commissioner.

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 8b that provides an applicant a reduction in the assessment level for a property that has been acquired for hospital use by a for-profit acquirer unrelated to the not-for-profit disposer, thereby avoiding Illinois Health Facilities and Services Review Board discontinuation; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from MSMC Realty, LLC a/k/a MetroSouth Medical Center and Resolution No. 08-355 from the City of Blue Island for a hospital facility located in the City of Blue Island, Cook County, Illinois, County Board District #5, and the properties that comprise the Hospital are identified by Property Index Numbers that have been submitted as exhibit A; and

WHEREAS, Cook County realizes any potential closing of the Hospital, even for a single minute, will terminate the state license that authorizes the operation of the Hospital as well as severely jeopardize federal program criteria that sustain the ongoing financial operation; and

WHEREAS, the Cook County Board of Commissioners has determined that the applicant demonstrated to the satisfaction of the Cook County Assessor that approval of the Class 8b designation will materially increase the likelihood that the property will be retained for hospital use; and

WHEREAS, Class 8b requires validation by the Cook County Board of Commissioners in that it supports and consents to the designation of the property as a Class 8b property; and

WHEREAS, the applicant employs approximately 1,300 employees, and is located in zip code 60406 which has 12.5% of families and 13.4% of individuals below the poverty level per the U.S. Census Bureau's recent figures; and

WHEREAS, the City of Blue Island states the Class 8b will significantly expand and improve the commercial tax base of the City, create additional temporary employment opportunities when completed, permanent employment positions as well as generate new real

estate tax revenues and additional real estate taxes for both the City and the County of Cook;
and

WHEREAS, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the Cook County Board of Commissioners validate the properties that consist of the Hospital located in Blue Island, Cook County, Illinois, are deemed eligible as properties acquired for hospital use by a for-profit acquirer unrelated to the not-for-profit disposer under the Class 8b.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the Cook County Board of Commissioners supports and consents to the designation of the properties as a class 8b property, per Sec. 74-70(b)(2)b of the Cook County Code of Ordinances; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

***Referred to the Finance Subcommittee on Real Estate and Business and Economic Development on 06/01/11.**

Vice Chairman Murphy, seconded by Commissioner Gorman, moved approval of Communication No. 313004. The motion carried.

**11-R-222
RESOLUTION**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JOAN PATRICIA MURPHY, COUNTY COMMISSIONER**

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 8b that provides an applicant a reduction in the assessment level for a property that has been acquired for hospital use by a for-profit acquirer unrelated to the not-for-profit disposer, thereby avoiding Illinois Health Facilities and Services Review Board discontinuation; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from MSMC Realty, LLC a/k/a MetroSouth Medical Center and Resolution No. 08-355 from the City of Blue Island for a hospital facility located in the City of Blue Island, Cook County, Illinois, County Board District #5, and the properties that comprise the Hospital are identified by Property Index Numbers that have been submitted as exhibit A; and

WHEREAS, Cook County realizes any potential closing of the Hospital, even for a single minute, will terminate the state license that authorizes the operation of the Hospital as well as severely jeopardize federal program criteria that sustain the ongoing financial operation; and

WHEREAS, the Cook County Board of Commissioners has determined that the applicant demonstrated to the satisfaction of the Cook County Assessor that approval of the Class 8b designation will materially increase the likelihood that the property will be retained for hospital use; and

WHEREAS, Class 8b requires validation by the Cook County Board of Commissioners in that it supports and consents to the designation of the property as a Class 8b property; and

WHEREAS, the applicant employs approximately 1,300 employees, and is located in zip code 60406 which has 12.5% of families and 13.4% of individuals below the poverty level per the U.S. Census Bureau's recent figures; and

WHEREAS, the City of Blue Island states the Class 8b will significantly expand and improve the commercial tax base of the City, create additional temporary employment opportunities when completed, permanent employment positions as well as generate new real estate tax revenues and additional real estate taxes for both the City and the County of Cook; and

WHEREAS, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the Cook County Board of Commissioners validate the properties that consist of the Hospital located in Blue Island, Cook County, Illinois, are deemed eligible as properties acquired for hospital use by a for-profit acquirer unrelated to the not-for-profit disposer under the Class 8b.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the Cook County Board of Commissioners supports and consents to the designation of the properties as a class 8b property, per Sec. 74-70(b)(2)b of the Cook County Code of Ordinances; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

313005 DEPARTMENT OF PLANNING AND DEVELOPMENT, BUREAU OF ECONOMIC DEVELOPMENT (PROPOSED RESOLUTION). Transmitting a Communication dated May 12, 2011 from Herman Brewer, Director:

respectfully submitting this Resolution regarding Calert Properties, LLC's request for a Class 8 Commercial Property Tax incentive located at 1250 Torrence Avenue, Calumet City, Illinois. The applicant's company will open a restaurant franchise, Buffalo Wild Wings.

Calert Properties, LLC requests approval of the tax incentive based on the special circumstances that the property has been vacant for less than 24 months; has been purchased for value; and that substantial rehabilitation will be completed under the Class 8 Ordinance. This Resolution is required so that the company can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by Toni Preckwinkle, President and Joan Patricia Murphy, County Commissioner.

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 8 that provides an applicant a reduction in the assessment level for a commercial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from Calert Properties LLC and Resolution No. 11-5 from the City of Calumet City for an abandoned commercial facility located at 1250 Torrence Avenue, Calumet City, Cook County, Illinois, County Board District #6, and Property Index Number: 29-24-200-038-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 8; and

WHEREAS, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 8 requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

WHEREAS, the Cook County Board of Commissioners has determined that the building was abandoned for five (5) months at the time of application, and that special circumstances are present; and

WHEREAS, the applicant estimates that the re-occupancy will create 70 new full-time jobs, five (5) new part-time jobs and create 115 construction jobs; and

WHEREAS, the City of Calumet City states the Class 8 is necessary for development to occur and that special circumstances exist which include the subject property has been vacant for less than 24 months; there has been a purchase for value; and that the subject property is in need of substantial rehabilitation.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the President and Board of Commissioners validate the property located at 1250 Torrence Avenue, Calumet City, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 8; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor.

***Referred to the Finance Subcommittee on Real Estate and Business and Economic Development Subcommittee on 6/01/11.**

Vice Chairman Murphy, seconded by Commissioner Gorman, moved approval of Communication No. 313005. The motion carried.

RESOLUTION

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JOAN PATRICIA MURPHY, COUNTY COMMISSIONER**

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 8 that provides an applicant a reduction in the assessment level for a commercial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from Calert Properties LLC and Resolution No. 11-5 from the City of Calumet City for an abandoned commercial facility located at 1250 Torrence Avenue, Calumet City, Cook County, Illinois, County Board District #6, and Property Index Number: 29-24-200-038-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 8; and

WHEREAS, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 8 requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

WHEREAS, the Cook County Board of Commissioners has determined that the building was abandoned for five (5) months at the time of application, and that special circumstances are present; and

WHEREAS, the applicant estimates that the re-occupancy will create 70 new full-time jobs, five (5) new part-time jobs and create 115 construction jobs; and

WHEREAS, the City of Calumet City states the Class 8 is necessary for development to occur and that special circumstances exist which include the subject property has been vacant for less than 24 months; there has been a purchase for value; and that the subject property is in need of substantial rehabilitation.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, State of Illinois, that the President and Board of Commissioners validate the property located at 1250 Torrence Avenue, Calumet City, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 8; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 14th day of June 2011.

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TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Vice Chairman Murphy moved to adjourn the meeting, seconded by Commissioner Gorman. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTER NAMED HEREIN:**

Communication No. 312493	Approved
Communication No. 312741	Approved, as Amended
Communication No. 312742	Approved
Communication No. 312743	Approved, as Amended
Communication No. 313004	Approved
Communication No. 313005	Approved

Respectfully submitted,

FINANCE SUBCOMMITTEE ON REAL ESTATE
AND BUSINESS AND ECONOMIC DEVELOPMENT

JESUS G. GARCIA, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Garcia, seconded by Commissioner Murphy, moved that the Report of the Finance Subcommittee on Real Estate and Business and Economic Development be approved and adopted. **The motion carried unanimously.**

REPORT OF THE FINANCE SUBCOMMITTEE ON WORKERS' COMPENSATION

June 1, 2011

The Honorable,
The Finance Committee of
The Board of Commissioners of Cook County,

Ladies and Gentlemen,

Your Finance Subcommittee on Workers' Compensation of the Board of Commissioners met pursuant to notice Wednesday, June 1, 2011 at 1:00 p.m., in Room 569 of the County Building, 118 N. Clark Street.

ATTENDANCE:

Present: Chairman Schneider, Vice Chairman Reyes, Commissioners Fritchey and Tobolski (4).

Absent: Commissioner Garcia (1).

Commissioner Fritchey, seconded by Commissioner Tobolski moved that the Finance Subcommittee on Workers' Compensation convene in Executive Session to consider matters of pending Workers' Compensation. The motion carried.

Vice Chairman Reyes, seconded by Commissioner Tobolski moved that the Finance Subcommittee on Workers' Compensation convene in Open Session to consider the matters of pending Workers' Compensation. The motion carried.

Commissioner Tobolski, seconded by Vice Chairman Reyes moved approval of the cases over \$25,000.00. The motion carried.

1. Settlements

A. County Government

MEDINA, GERALDO
10 WC 12390

\$40,951.12

While the Petitioner was participating in a K-9 exercise and acting as the aggressor hiding in a shower, he slipped on water on the floor and fell, injuring his left hand.

Commissioner Tobolski, seconded by Commissioner Reyes, moved approval. The motion carried.

Commissioner Tobolski, seconded by Vice Chairman Reyes, moved to adjourn. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

FINANCE SUBCOMMITTEE ON WORKERS' COMPENSATION

TIMOTHY O. SCHNEIDER, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Schneider, seconded by Commissioner Reyes, moved that the Report of the Finance Subcommittee on Workers' Compensation be approved and adopted. **The motion carried unanimously.**

REPORT OF THE COMMITTEE ON CONTRACT COMPLIANCE

June 1, 2011

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Vice Chairman Silvestri and Commissioners Gorman, Goslin, Murphy and Reyes (5).

Absent: Chairman Steele and Commissioners Butler, Garcia and Sims (4).

Also Present: LaVerne Hall – Director of Contract Compliance

Ladies and Gentlemen:

Your Committee on Contract Compliance of the Board of Commissioners of Cook County met pursuant to notice on Wednesday, June 1, 2011 at the hour of 1:30 P.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following item and, upon adoption of this report, the recommendation is as follows:

312738 **MINORITY - AND WOMEN-OWNED BUSINESS ENTERPRISE CONSTRUCTION ORDINANCE (PROPOSED ORDINANCE AMENDMENT).**
Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners.

PROPOSED ORDINANCE AMENDMENT

**MINORITY - AND WOMEN-OWNED BUSINESS ENTERPRISE
CONSTRUCTION ORDINANCE**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement and Contracts, Division 6 Minority - and Women-Owned Business Enterprises, Subdivision 2 Construction Interim Ordinance, Sections 34-286 through 34-303 of the Cook County Code is hereby amended as follows:

Sec. 34-286. - Title.

This subdivision shall be known as the "Minority - and Women-Owned Business Enterprise Construction ~~Interim~~ Ordinance" and may be cited as such.

Sec. 34-287. Recitals.

The President and the Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to Ordinance No. 06-O-48 are full, true and correct and do incorporate them into this subdivision by this reference.

Sec. 34-288. - Findings of discrimination.

The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005);(ii) ~~County statistical evidence of continuing discrimination against Blacks, Hispanics, Asians and women in the County's contracting awards;~~ (iii) the Report titled, ~~"Review of Compelling Evidence of Discrimination Against Minority and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;"~~ "The

Status of Minority - and Women Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois,” submitted by Colette Holt & Associates, and NERA Economic Consulting, and dated June 22, 2010 (the “NERA Study”); as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's construction marketplace; and (v) receiving and considering written reports; adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in County construction contracting:

(a) The County of Cook seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in County construction contracting opportunities;

(b) ~~Since~~ After the County's affirmative action program as it relates to construction projects was declared unconstitutional in 2000, the County ~~has~~ witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation;

(c) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned ~~a~~ and reviewed the NERA Study ~~study~~ on the levels of M/WBE participation in County contracts, has reviewed the report prepared indicating evidence of discrimination in County construction contracts and has considered the evidence in relevant case law;

(d) In the absence of M/WBE participation goals the County ~~has witnessed a drastic decline in M/WBE participation in its construction contract below the availability of such firms and thus would be a passive participant in a discriminatory marketplace without the use of such M/WBE goals;~~

(e) ~~The County has a compelling interest in preventing discrimination; and~~ The NERA Study made recommendations for a revised Minority and Women owned business program for construction contracting, emphasizing the establishment of Project-specific goals, implementation of race and gender neutral measures, and enhancements to data gathering, implementation and performance monitoring of the program;

(f) The County has a compelling interest in preventing discrimination and desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

Sec. 34-289. Public purpose.

It is hereby found, determined and declared that the purpose of this ~~Interim Ordinance~~ is to ~~take steps to~~ ensure the full and equitable participation of Minority - and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's construction contracts. The County is committed to a policy of preventing discrimination in the award of or participation in construction contracts and has recommended appropriate ~~affirmative action steps to be taken~~ narrowly tailored remedies to eliminate any such discrimination.

Sec. 34-290. Applicability.

This subdivision shall apply to all construction contracts funded in whole or in part by County funds, regardless of the sources of other funds; provided that any contract with

respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

Sec. 34-291. Severability.

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

Sec. 34-292. Definitions.

The following terms shall have the following meanings:

Affiliate of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships.

Annual Participation Goals mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

Business means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity.

Certified Firm means a firm that has been accepted by the County as a certified MBE or WBE.

County means the County of Cook and its participating User Departments.

County's Marketplace means the Metropolitan Statistical Area for Chicago, as established by the Bureau of the Census, currently the counties of Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will.

Contractor means any ~~person or business entity~~ Business that seeks to enter into a construction contract with the County, other than for professional services, and includes all partners ~~and Affiliates and Joint Ventures of such person or entity~~ Business.

Commercially Useful Function means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling responsibilities as a Joint Venture partner.

Compliance Contract Director or "*CC Director*" means the ~~of the Office of Contract Compliance Administrator~~ Director.

Doing Business means having a physical location from which to engage in for profit activities in the scope(s) of expertise of the ~~firm~~ Business.

Economically Disadvantaged means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index,

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Expertise means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the ~~firm~~ Business, as defined by normal industry practices, including licensure where required.

Good Faith Efforts means actions undertaken by a Contractor to achieve ~~a~~ an MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

Joint Venture means an association of two or more ~~persons, or any combination of types of business enterprises and persons numbering two or more,~~ Businesses proposing to perform a ~~single~~ for profit business enterprise, in which each ~~Join Venture partner~~ contributes property, capital, efforts, skill and knowledge, and in which the ~~Certified Firm~~ is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the ~~Joint Venture~~ are equal to its ownership interest. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

Local Business means a ~~business entity~~ Business located within the County's Marketplace which has the majority of its regular, full time work force located within the County's Marketplace.

Local Small Business means a Local Business which is also a Small Business.

Manufacturer means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

Minority Business Enterprise (MBE) means a ~~Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity~~ Business:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned ~~business~~ Business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more ~~such more~~ Minority Individuals;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business ~~Enterprise~~.

Minority Individual means ~~a person~~:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, ~~or other Spanish or Portuguese culture or origin, regardless of race;~~
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans, which includes ~~(persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent); or~~
- (5) Individual members of other groups, including but not limited to Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.

Owned means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

Personal Net Worth means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE, provided that the other firm is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

Program means the ~~Interim~~ Program established by the Minority - and Women-Owned Business Enterprise Interim Ordinance.

Project Specific Goals means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

Regular Dealer means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular ~~business~~ Business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum

products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacture representatives, or other persons who arrange or expedite transactions are not Regular Dealers.

Small Business means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

Socially Disadvantaged means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

User Department means the department of the County or elected official responsible for initiating the procurement process.

Utilization Plan means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

Woman means a person of the female gender.

Woman-Owned Business Enterprise (WBE) means a ~~Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:~~

- (1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned ~~business~~ Business, at least 51 percent of all classes of the stock of which is owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business ~~Enterprise~~.

Sec. 34-293. Program administration.

- (a) The ~~Office of the Contract Compliance~~ CC Director ~~which~~ who shall

report to the President of the Board of Commissioners of Cook County, shall administer the Program, ~~which~~ and whose duties shall include:

- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program.
 - (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.
 - (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms.
 - (4) Establishing Project Specific Goals, in collaboration with the User Department.
 - (5) Evaluating Contractors' achievement of Project Specific Goals ~~or~~ and Good Faith Efforts to meet Project Specific Goals.
 - (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
 - (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
 - (8) Collecting data to evaluate the Program and other County contracting initiatives.
 - (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The CC Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.
- (b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:
- (1) Assisting the CC Director with setting Project Specific Goals.
 - (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
 - (3) **Performing** other activities to support the Program.
 - (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
 - (5) Submitting subcontracting data as required to the CC Director.

Sec. 34-294. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting, structuring or issuing contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;
- (d) Providing assistance to ~~businesses~~ Business in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available qualified firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;
- (i) At the discretion of the ~~County~~ CC Director, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;
- (j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and
- (k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

Sec. 34-295. - Program eligibility.

- (a) Only ~~businesses~~ Businesses that meet the criteria for certification as ~~a~~ an MBE or WBE may participate in the Program. The applicant has the burden of persuasion by a preponderance of the evidence.
- (b) Only a firm owned by a Socially and Economically Disadvantaged

person(s) may be certified as a MBE or WBE.

- (1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.
- (2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.

(c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

- (1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the ~~dispensing~~ disbursing of funds.
- (2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.
- (3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.
- (4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent

decisions concerning the firm's daily operations, work, management, and policymaking.

- (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
- (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day to day activities.

(d) Only an independent firm may be certified as a MBE or WBE. An independent firm is one whose viability does not depend on its relationship with another firm. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent ~~business~~ Business, the CC Director will:

- (1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
- (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.
- (3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.
- (4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.

(e) An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the firm's operations and work.

(f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest.. Each Certified Firm partner must contribute property, capital,

efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract.

(g) In lieu of conducting its own certifications, the CC Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CC Director determines that the certification standards of such entities are comparable to those of the County.

(h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the firm to seek recertification by filing the necessary documentation with the CC Director as provided by rule may result in decertification.

(i) It is the responsibility of the Certified Firm to notify the CC Director of any change in its circumstances affecting its continued eligibility for the Program, including decertification by another agency. Failure to do so may result in the firm's decertification.

(j) The CC Director shall decertify a firm that does not continuously meet the eligibility criteria.

(k) Decertification by another agency shall create a *prima facie* case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.

(l) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification as provided by rule.

(m) A firm found to be ineligible may not apply for certification for six (6) months after the effective date of the final decision.

(n) A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified firm. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CC Director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the ~~County~~ CC Director renders a final decision.

Sec. 34-296. Annual aspirational goals.

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County construction contracts and subcontracts shall be 24 percent for MBEs and four (4) percent for WBEs.

Sec. 34-297. Project specific goals.

The CC Director, in consultation with the User Department, shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

Sec. 34-298. Counting MBE and WBE participation.

(a) The entire amount of that portion of a contract that is performed by the MBEs or WBEs own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work of the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).

(b) The entire amount of fees or commissions charged by a MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.

(c) When a MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.

(d) Only expenditures to a MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether a MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. A MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If a MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When a MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.

(e) One hundred percent of the cost of the materials or supplies obtained from a MBE or WBE Manufacturer or Regular Dealer shall be counted. One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.

(f) If a firm ceases to be a ~~certified~~ Certified Firm during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(g) In determining achievement of Project Specific Goals, the participation of a MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

Sec. 34-299. Contract pre-award compliance procedures.

(a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid / proposal is due.

(b) Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

(c) Where the Contractor cannot achieve the Project Specific Goal(s), the CC Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the ~~CC~~ Director will consider, at a minimum, the Contractor's efforts to:

- (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.
- (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability MBEs and WBEs to facilitate their participation.
- (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all ~~subcontractable~~ scopes of work that could be subcontracted.
- (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.

- (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
- (6) Use the services of the Office of Contract Compliance, available minority/women community organizations, minority/women contractors' groups, government sponsored minority/women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.

(e) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.

(f) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.

(g) The CC Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The CC Director may request clarification in writing of items listed in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.

(h) If the CC Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the CC Director and User Department shall recommend award to Purchasing ~~Agent~~ Department.

(i) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the ~~User~~ Purchasing Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

Sec. 34-300. Contract administration procedures.

(a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors ~~in favor of the County~~ and incorporated in the contract.

(b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County.

The CC Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including without limitation payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.

(c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the CC Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.

- (1) All requests for changes or substitutions of a MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the CC Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute a MBE or WBE subcontractor or perform the work designated for a MBE or WBE subcontractor with its own forces unless and until the CC Director, Purchasing Agent ~~and in consultation with the User Department, approve~~ approves such substitution in writing. ~~A Contractor shall not allow a substituted subcontractor to begin work until both the Director, Purchasing Agent and the User Department have approved the substitution.~~
- (2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.
- (3) Substitutions of the subcontractor shall be permitted only on the following bases:
 - (i) Unavailability after receipt of reasonable notice to proceed.
 - (ii) Failure of performance.
 - (iii) Financial incapacity.
 - (iv) Refusal by the subcontractor to honor the bid or proposal price.
 - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.

- (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
 - (vii) The subcontractor's withdrawal of its bid or proposal.
- (4) The ~~County's~~ final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the CC Director.
- (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (6) If the County requires the substitution of a MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the CC Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBES and WBEs have a fair opportunity to bid on the new scope of work.
- (e) Changes to the scopes of work shall be documented by the User Department at the time they arise to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.
- (f) Prior to contract closeout, the CC Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

Sec. 34-301. Sanctions and penalties.

- (a) The following violations of this subdivision may result in a breach of contract:
- (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post-award compliance, or other Program operations.

- (2) Committing any other violations of this subdivision.

(b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed non-responsive in future County solicitations and contracts as determined by the County's Purchasing ~~Ordinance~~ Agent, if it is found to have:

- (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;
- (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
- (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or

(4) Failed to comply in good faith with substantive provisions of this subdivision.

Sec. 34-302. ~~Interim program~~ Program review and sunset.

(a) The President and the Board of Commissioners shall receive quarterly and annual reports from the CC Director detailing the County's performance under the ~~Interim~~ Program.

(b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.

(c) ~~Commencing on this Chapter's effective date, Within five years after the effective date of this ordinance, the County will retain qualified experts to review the operation of the Program and the evidentiary basis for the Program in order to develop evidence to assist the County in evaluating~~ determine whether if the County has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.

(d) ~~On or before the sunset date of this Chapter, the County shall review the results of this evidence gathering, to determine whether it has a compelling interest in continuing narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.~~

- (ed) This subdivision shall sunset on or before ~~June 30, 2011~~ June 30, 2016.

Sec. 34-303. Effective date.

This subdivision shall be effective upon ~~90 days after~~ passage.

Secs. 34-304—34-310. - Reserved.

***Referred to the Contract Compliance Committee on May 17, 2011.**

Commissioner Murphy, seconded by Commissioner Gorman, moved to accept the amendment to Communication No. 312738. The motion carried.

AMENDMENT TO ITEM #312738

MINORITY - AND WOMEN-OWNED BUSINESS ENTERPRISE CONSTRUCTION ORDINANCE (PROPOSED ORDINANCE AMENDMENT).
Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners.

PROPOSED ORDINANCE AMENDMENT

**MINORITY - AND WOMEN-OWNED BUSINESS ENTERPRISE
CONSTRUCTION ORDINANCE**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement and Contracts, Division 6 Minority - and Women-Owned Business Enterprises, Subdivision 2 Construction Interim Ordinance, Sections 34-286 through 34-303 of the Cook County Code is hereby amended as follows:

Sec. 34-286. - Title.

This subdivision shall be known as the "Minority - and Women-Owned Business Enterprise Construction ~~Interim~~ Ordinance" and may be cited as such.

Sec. 34-287. Recitals.

The President and the Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to Ordinance No. 06-O-48 are full, true and correct and do incorporate them into this subdivision by this reference.

Sec. 34-288. - Findings of discrimination.

The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005);(ii) ~~County statistical evidence of continuing discrimination against Blacks, Hispanics, Asians and women in the County's contracting awards;~~ (iii) the Report titled, "Review of Compelling Evidence of Discrimination Against Minority and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;" "The Status of Minority - and Women Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois," submitted by Colette Holt & Associates, and NERA Economic Consulting, and dated June 22, 2010 (the "NERA Study"); ~~as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's construction~~

~~marketplace; and (v) receiving and considering written reports,~~ adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in County construction contracting:

(a) The County of Cook seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in County construction contracting opportunities;

(b) ~~Since~~ After the County's affirmative action program as it relates to construction projects was declared unconstitutional in 2000, the County ~~has~~ witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation;

(c) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned ~~a~~ and reviewed the NERA Study ~~study~~ on the levels of M/WBE participation in County contracts, has reviewed the report prepared indicating evidence of discrimination in County construction contracts and has considered the evidence in relevant case law;

(d) In the absence of M/WBE participation goals the County ~~has witnessed a drastic decline in M/WBE participation in its construction contract below the availability of such firms and thus would be a passive participant in a discriminatory marketplace without the use of such M/WBE goals;~~

(e) ~~The County has a compelling interest in preventing discrimination; and~~ The NERA Study made recommendations for a revised Minority and Women owned business program for construction contracting, emphasizing the establishment of Project-specific goals, implementation of race and gender neutral measures, and enhancements to data gathering, implementation and performance monitoring of the program;

(f) The County has a compelling interest in preventing discrimination and desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

Sec. 34-289. Public purpose.

It is hereby found, determined and declared that the purpose of this ~~Interim~~ Ordinance is to ~~take steps to~~ ensure the full and equitable participation of Minority - and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's construction contracts. The County is committed to a policy of preventing discrimination in the award of or participation in construction contracts and has recommended appropriate ~~affirmative action steps to be taken~~ narrowly tailored remedies to eliminate any such discrimination.

Sec. 34-290. Applicability.

This subdivision shall apply to all construction contracts funded in whole or in part by County funds, regardless of the sources of other funds; provided that any contract with respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

Sec. 34-291. Severability.

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

Sec. 34-292. Definitions.

The following terms shall have the following meanings:

Affiliate of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships.

Annual Participation Goals mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

Business means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity.

Certified Firm means a firm that has been accepted by the County as a certified MBE or WBE.

County means the County of Cook and its participating User Departments.

County's Marketplace means the Metropolitan Statistical Area for Chicago, as established by the Bureau of the Census, currently the counties of Cook, DeKalb, DuPage, ~~Grundy~~, Kane, ~~Kendall~~, Lake, McHenry and Will.

Contractor means any ~~person or business entity~~ Business that seeks to enter into a construction contract with the County, other than for professional services, and includes all partners and Affiliates ~~and Joint Ventures of such person or entity~~ Business.

Commercially Useful Function means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling responsibilities as a Joint Venture partner.

Compliance Contract Director or "CC Director" means the ~~of the Office of~~ Contract Compliance ~~Administrator~~ Director.

Doing Business means having a physical location from which to engage in for profit activities in the scope(s) of expertise of the ~~firm~~ Business.

Economically Disadvantaged means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2007.

Expertise means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the ~~firm~~ Business, as defined by normal industry practices, including licensure where required.

Good Faith Efforts means actions undertaken by a Contractor to achieve a ~~a~~ an MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

Joint Venture means an association of two or more ~~persons, or any combination of types of business enterprises and persons numbering two or more~~, Businesses proposing to perform a ~~single~~ for profit business enterprise, in which each ~~Join Venture partner~~ contributes property, capital, efforts, skill and knowledge, and in which the ~~Certified Firm~~ is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the ~~Joint Venture~~ are equal to its ownership interest. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

Local Business means a ~~business entity~~ Business located within the County's Marketplace which has the majority of its regular, full time work force located within the County's Marketplace.

Local Small Business means a Local Business which is also a Small Business.

Manufacturer means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

Minority Business Enterprise (MBE) means a ~~Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity~~ Business:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned ~~business~~ Business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more ~~such more~~ Minority Individuals;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business ~~Enterprise~~.

Minority Individual means a ~~person~~:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;

- (2) Hispanic-Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, ~~or other Spanish or Portuguese culture or origin, regardless of race;~~
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans, which includes (persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent); or
- (5) Individual members of other groups, including but not limited to Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.

Owned means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

Personal Net Worth means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE, provided that the other firm is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

Program means the ~~Interim~~ Program established by the Minority - and Women-Owned Business Enterprise Interim Ordinance.

Project Specific Goals means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

Regular Dealer means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular ~~business~~ Business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packers, manufacture representatives, or other persons who arrange or expedite transactions are not

Regular Dealers.

Small Business means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

Socially Disadvantaged means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

User Department means the department of the County or elected official responsible for initiating the procurement process.

Utilization Plan means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

Woman means a person of the female gender.

Woman-Owned Business Enterprise (WBE) means a ~~Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:~~

- (1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned ~~business~~ Business, at least 51 percent of all classes of the stock of which is owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business ~~Enterprise~~.

Sec. 34-293. Program administration.

(a) The ~~Office of the Contract Compliance~~ CC Director ~~which~~ who shall report to the President of the Board of Commissioners of Cook County, shall administer the Program, ~~which~~ and whose duties shall include:

- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program.

- (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.
- (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms.
- (4) Establishing Project Specific Goals, in collaboration with the User Department.
- (5) Evaluating Contractors' achievement of Project Specific Goals ~~of~~ and Good Faith Efforts to meet Project Specific Goals.
- (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
- (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
- (8) Collecting data to evaluate the Program and other County contracting initiatives.
- (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The CC Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.
- (b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:
 - (1) Assisting the CC Director with setting Project Specific Goals.
 - (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
 - (3) **Performing** other activities to support the Program.
 - (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
 - (5) Submitting subcontracting data as required to the CC Director.

Sec. 34-294. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting, structuring or issuing contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;
- (d) Providing assistance to ~~businesses~~ Business in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available qualified firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;
- (i) At the discretion of the ~~County~~ CC Director, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;
- (j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and
- (k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

Sec. 34-295. - Program eligibility.

- (a) Only ~~businesses~~ Businesses that meet the criteria for certification as ~~a~~ an MBE or WBE may participate in the Program. The applicant has the burden of persuasion by a preponderance of the evidence.
- (b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.
 - (1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.

- (2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.
- (c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.
 - (1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the ~~dispensing~~ disbursing of funds.
 - (2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.
 - (3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.
 - (4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.
 - (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If

state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.

- (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day to day activities.

(d) Only an independent firm may be certified as a MBE or WBE. An independent firm is one whose viability does not depend on its relationship with another firm. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent ~~business~~ Business, the CC Director will:

- (1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
- (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.
- (3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.
- (4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.

(e) An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the firm's operations and work.

(f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest.. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

(g) In lieu of conducting its own certifications, the CC Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CC Director determines that the certification standards of such entities are comparable

to those of the County.

(h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the firm to seek recertification by filing the necessary documentation with the CC Director as provided by rule may result in decertification.

(i) It is the responsibility of the Certified Firm to notify the CC Director of any change in its circumstances affecting its continued eligibility for the Program, including decertification by another agency. Failure to do so may result in the firm's decertification.

(j) The CC Director shall decertify a firm that does not continuously meet the eligibility criteria.

(k) Decertification by another agency shall create a *prima facie* case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.

(l) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification as provided by rule.

(m) A firm found to be ineligible may not apply for certification for six (6) months after the effective date of the final decision.

(n) A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified form. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CC Director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the ~~County~~ CC Director renders a final decision.

Sec. 34-296. Annual aspirational goals.

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County construction contracts and subcontracts shall be 24 percent for MBEs and ~~four (4)~~ ten (10) percent for WBEs.

Sec. 34-297. Project specific goals.

The CC Director, in consultation with the User Department, shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

Sec. 34-298. Counting MBE and WBE participation.

(a) The entire amount of that portion of a contract that is performed by the MBEs or WBEs own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work of the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).

(b) The entire amount of fees or commissions charged by a MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.

(c) When a MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.

(d) Only expenditures to a MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether a MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. A MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If a MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When a MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.

(e) One hundred percent of the cost of the materials or supplies obtained from a MBE or WBE Manufacturer or Regular Dealer shall be counted. One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.

(f) If a firm ceases to be a ~~certified~~ Certified Firm for any other reason than graduation from the M/WBE Construction Program during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(g) In determining achievement of Project Specific Goals, the participation of a MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

Sec. 34-299. Contract pre-award compliance procedures.

(a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid / proposal is due.

(b) Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other

Contractors is prohibited.

(c) Where the Contractor cannot achieve the Project Specific Goal(s), the CC Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the ~~CC~~ Director will consider, at a minimum, the Contractor's efforts to:

- (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.
- (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability MBEs and WBEs to facilitate their participation.
- (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all ~~subcontractable~~ scopes of work that could be subcontracted.
- (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.
- (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
- (6) Use the services of the Office of Contract Compliance, available minority/women community organizations, minority/women contractors' groups, government sponsored minority/women business assistance offices

and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.

(e) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.

(f) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.

(g) The CC Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The CC Director may request clarification in writing of items listed in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.

(h) If the CC Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the CC Director and User Department shall recommend award to Purchasing ~~Agent~~ Department.

(i) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the ~~User~~ Purchasing Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

Sec. 34-300. Contract administration procedures.

(a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors ~~in favor of the County~~ and incorporated in the contract.

(b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County. The CC Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including without limitation payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.

(c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the CC Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.

- (1) All requests for changes or substitutions of a MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the CC Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute a MBE or WBE subcontractor or perform the work designated for a MBE or WBE subcontractor with its own forces unless and until the CC Director, Purchasing Agent ~~and~~ in consultation with the User Department, ~~approve~~ approves such substitution in writing. A Contractor shall not allow a substituted subcontractor to begin work until both the Director, Purchasing Agent and the User Department have approved the substitution.
- (2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.
- (3) Substitutions of the subcontractor shall be permitted only on the following bases:
 - (i) Unavailability after receipt of reasonable notice to proceed.
 - (ii) Failure of performance.
 - (iii) Financial incapacity.
 - (iv) Refusal by the subcontractor to honor the bid or proposal price.
 - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.
 - (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
 - (vii) The subcontractor's withdrawal of its bid or proposal.
- (4) The ~~County's~~ final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the CC Director.

- (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (6) If the County requires the substitution of a MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the CC Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBES and WBEs have a fair opportunity to bid on the new scope of work.
- (e) Changes to the scopes of work shall be documented by the User Department at the time they arise to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.
- (f) Prior to contract closeout, the CC Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

Sec. 34-301. Sanctions and penalties.

- (a) The following violations of this subdivision may result in a breach of contract:
 - (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post-award compliance, or other Program operations.
 - (2) Committing any other violations of this subdivision.
- (b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed non-responsive in future County solicitations and contracts as determined by the County's Purchasing ~~Ordinance~~ Agent, if it is found to have:
 - (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;

- (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
- (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or
- (4) Failed to comply in good faith with substantive provisions of this subdivision.

Sec. 34-302. ~~Interim program~~ Program review and sunset.

(a) The President and the Board of Commissioners shall receive quarterly and annual reports from the CC Director detailing the County's performance under the ~~Interim~~ Program.

(b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.

(c) ~~Commencing on this Chapter's effective date,~~ Within five years after the effective date of this ordinance, the County will ~~retain qualified experts to~~ review the operation of the Program and the evidentiary basis for the Program in order to ~~develop evidence to assist the County in evaluating~~ determine whether ~~it~~ the County has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.

(d) ~~On or before the sunset date of this Chapter, the County shall review the results of this evidence gathering, to determine whether it has a compelling interest in continuing narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.~~

(e) This subdivision shall sunset on or before ~~June 30, 2014~~ June 30, 2016.

Sec. 34-303. Effective date.

This subdivision shall be effective upon ~~90 days after~~ passage.

Secs. 34-304—34-310. - Reserved.

***Referred to the Contract Compliance Committee on 05/17/11.**

Commissioner Goslin, seconded by Commissioner Murphy, moved the approval of Communication No. 312738, as amended. The motion carried.

**11-O-63
ORDINANCE**

Sponsored by
THE HONORABLE TONI PRECKWINKLE
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

**MINORITY - AND WOMEN-OWNED BUSINESS ENTERPRISE
CONSTRUCTION ORDINANCE**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement and Contracts, Division 6 Minority - and Women-Owned Business Enterprises, Subdivision 2 Construction Interim Ordinance, Sections 34-286 through 34-303 of the Cook County Code is hereby amended as follows:

Sec. 34-286. Title.

This subdivision shall be known as the "Minority - and Women-Owned Business Enterprise Construction ~~Interim~~ Ordinance" and may be cited as such.

Sec. 34-287. Recitals.

The President and the Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to Ordinance No. 06-O-48 are full, true and correct and do incorporate them into this subdivision by this reference.

Sec. 34-288. Findings of discrimination.

The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005); (ii) ~~County statistical evidence of continuing discrimination against Blacks, Hispanics, Asians and women in the County's contracting awards;~~ (iii) the Report titled, "Review of Compelling Evidence of Discrimination Against Minority and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;" "The Status of Minority - and Women Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois," submitted by Colette Holt & Associates, and NERA Economic Consulting, and dated June 22, 2010 (the "NERA Study"); ~~as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's construction marketplace; and (v) receiving and considering written reports;~~ adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in County construction contracting:

(a) The County of Cook seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in County construction contracting opportunities;

(b) ~~Since~~ After the County's affirmative action program as it relates to construction projects was declared unconstitutional in 2000, the County ~~has~~ witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation;

(c) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned ~~a~~ and reviewed the NERA

~~Study~~ study on the levels of M/WBE participation in County contracts, has reviewed the report prepared indicating evidence of discrimination in County construction contracts and has considered the evidence in relevant case law;

(d) In the absence of M/WBE participation goals the County ~~has witnessed a drastic decline in M/WBE participation in its construction contract below the availability of such firms and thus would be a passive participant in a discriminatory marketplace without the use of such M/WBE goals;~~

(e) ~~The County has a compelling interest in preventing discrimination; and~~ The NERA Study made recommendations for a revised Minority and Women owned business program for construction contracting, emphasizing the establishment of Project-specific goals, implementation of race and gender neutral measures, and enhancements to data gathering, implementation and performance monitoring of the program;

(f) The County has a compelling interest in preventing discrimination and desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

Sec. 34-289. Public purpose.

It is hereby found, determined and declared that the purpose of this ~~Interim~~ Ordinance is to ~~take steps to~~ ensure the full and equitable participation of Minority - and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's construction contracts. The County is committed to a policy of preventing discrimination in the award of or participation in construction contracts and has recommended appropriate ~~affirmative action steps to be taken~~ narrowly tailored remedies to eliminate any such discrimination.

Sec. 34-290. Applicability.

This subdivision shall apply to all construction contracts funded in whole or in part by County funds, regardless of the sources of other funds; provided that any contract with respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

Sec. 34-291. Severability.

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

Sec. 34-292. Definitions.

The following terms shall have the following meanings:

Affiliate of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships.

Annual Participation Goals mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

Business means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity.

Certified Firm means a firm that has been accepted by the County as a certified MBE or WBE.

County means the County of Cook and its participating User Departments.

County's Marketplace means the Metropolitan Statistical Area for Chicago, as established by the Bureau of the Census, currently the counties of Cook, DeKalb, DuPage, ~~Grundy~~, Kane, ~~Kendall~~, Lake, McHenry and Will.

Contractor means any ~~person or business entity~~ Business that seeks to enter into a construction contract with the County, other than for professional services, and includes all partners and Affiliates ~~and Joint Ventures of such person or entity~~ Business.

Commercially Useful Function means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling responsibilities as a Joint Venture partner.

Compliance Contract Director or "CC Director" means the ~~of the Office of~~ Contract Compliance ~~Administrator~~ Director.

Doing Business means having a physical location from which to engage in for profit activities in the scope(s) of expertise of the ~~firm~~ Business.

Economically Disadvantaged means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2007.

Expertise means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the ~~firm~~ Business, as defined by normal industry practices, including licensure where required.

Good Faith Efforts means actions undertaken by a Contractor to achieve a an MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

Joint Venture means an association of two or more ~~persons, or any combination of types of business enterprises and persons numbering two or more~~, Businesses proposing to perform a single for profit business enterprise, ~~in which each Joint Venture partner contributes property, capital, efforts, skill and knowledge, and in which the Certified Firm is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the Joint Venture are equal to its ownership interest.~~ Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

Local Business means a ~~business entity~~ Business located within the County's Marketplace which has the majority of its regular, full time work force located within the County's Marketplace.

Local Small Business means a Local Business which is also a Small Business.

Manufacturer means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

Minority Business Enterprise (MBE) means a ~~Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity~~ Business:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned ~~business~~ Business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more ~~such more~~ Minority Individuals;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business ~~Enterprise~~.

Minority Individual means ~~a person~~:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, ~~or other Spanish or Portuguese culture or origin, regardless of race~~;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans, which includes {persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent}; or
- (5) Individual members of other groups, including but not limited to Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.

Owned means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

Personal Net Worth means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE, provided that the other firm is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her

primary place or residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

Program means the ~~Interim~~ Program established by the Minority - and Women- Owned Business Enterprise Interim Ordinance.

Project Specific Goals means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

Regular Dealer means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular ~~business~~ Business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacture representatives, or other persons who arrange or expedite transactions are not Regular Dealers.

Small Business means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

Socially Disadvantaged means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

User Department means the department of the County or elected official responsible for initiating the procurement process.

Utilization Plan means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

Woman means a person of the female gender.

Woman-Owned Business Enterprise (WBE) means a ~~Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:~~

- (1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned ~~business~~ Business, at least 51 percent of all classes of the stock of which is owned by one or more Women;

- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Local Small Business ~~Enterprise~~.

Sec. 34-293. Program administration.

(a) The ~~Office of the Contract Compliance~~ CC Director ~~which~~ who shall report to the President of the Board of Commissioners of Cook County, shall administer the Program, ~~which~~ and whose duties shall include:

- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program.
- (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.
- (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms.
- (4) Establishing Project Specific Goals, in collaboration with the User Department.
- (5) Evaluating Contractors' achievement of Project Specific Goals ~~or~~ and Good Faith Efforts to meet Project Specific Goals.
- (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
- (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
- (8) Collecting data to evaluate the Program and other County contracting initiatives.
- (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The CC Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.

(b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:

- (1) Assisting the CC Director with setting Project Specific Goals.

- (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
- (3) Performing other activities to support the Program.
- (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
- (5) Submitting subcontracting data as required to the CC Director.

Sec. 34-294. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting, structuring or issuing contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;
- (d) Providing assistance to ~~businesses~~ Business in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available qualified firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;
- (i) At the discretion of the ~~County~~ CC Director, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;
- (j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and
- (k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

Sec. 34-295. Program eligibility.

(a) Only ~~businesses~~ Businesses that meet the criteria for certification as ~~a~~ an MBE or WBE may participate in the Program. The applicant has the burden of persuasion by a preponderance of the evidence.

(b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

(1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.

(2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.

(c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

(1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the ~~dispensing~~ disbursing of funds.

(2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.

(3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.

(4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.

- (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
- (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day to day activities.

(d) Only an independent firm may be certified as a MBE or WBE. An independent firm is one whose viability does not depend on its relationship with another firm. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent ~~business~~ Business, the CC Director will:

- (1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
- (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.
- (3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.
- (4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.

(e) An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the firm's operations and work.

(f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest.. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

(g) In lieu of conducting its own certifications, the CC Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CC Director determines that the certification standards of such entities are comparable to those of the County.

(h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the firm to seek recertification by filing the necessary documentation with the CC Director as provided by rule may result in decertification.

(i) It is the responsibility of the Certified Firm to notify the CC Director of any change in its circumstances affecting its continued eligibility for the Program, including decertification by another agency. Failure to do so may result in the firm's decertification.

(j) The CC Director shall decertify a firm that does not continuously meet the eligibility criteria.

(k) Decertification by another agency shall create a *prima facie* case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.

(l) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification as provided by rule.

(m) A firm found to be ineligible may not apply for certification for six (6) months after the effective date of the final decision.

(n) A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified form. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CC Director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the ~~County~~ CC Director renders a final decision.

Sec. 34-296. Annual aspirational goals.

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County construction contracts and subcontracts shall be 24 percent for MBEs and ~~four (4)~~ ten (10) percent for WBEs.

Sec. 34-297. Project specific goals.

The CC Director, in consultation with the User Department, shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

Sec. 34-298. Counting MBE and WBE participation.

(a) The entire amount of that portion of a contract that is performed by the MBEs or WBEs own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work of the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).

(b) The entire amount of fees or commissions charged by a MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing

bonds or insurance specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.

(c) When a MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.

(d) Only expenditures to a MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether a MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. A MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If a MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When a MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.

(e) One hundred percent of the cost of the materials or supplies obtained from a MBE or WBE Manufacturer or Regular Dealer shall be counted. One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.

(f) If a firm ceases to be a ~~certified~~ Certified Firm for any other reason than graduation from the M/WBE Construction Program during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(g) In determining achievement of Project Specific Goals, the participation of a MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

Sec. 34-299. Contract pre-award compliance procedures.

(a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid / proposal is due.

(b) Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

(c) Where the Contractor cannot achieve the Project Specific Goal(s), the CC Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the ~~CC~~ Director will consider, at a minimum, the Contractor's efforts to:

- (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes

of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.

- (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability MBEs and WBEs to facilitate their participation.
 - (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all ~~subcontractable~~ scopes of work that could be subcontracted.
 - (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.
 - (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
 - (6) Use the services of the Office of Contract Compliance, available minority/women community organizations, minority/women contractors' groups, government sponsored minority/women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.
- (e) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.
- (f) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.

(g) The CC Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The CC Director may request clarification in writing of items listed in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.

(h) If the CC Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the CC Director and User Department shall recommend award to Purchasing ~~Agent~~ Department.

(i) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the ~~User~~ Purchasing Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

Sec. 34-300. Contract administration procedures.

(a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors ~~in favor of the County and~~ incorporated in the contract.

(b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County. The CC Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including without limitation payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.

(c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the CC Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.

(1) All requests for changes or substitutions of a MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the CC Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute a MBE or WBE subcontractor or perform the work designated for a MBE or WBE subcontractor with its own forces unless and until the CC Director, Purchasing Agent ~~and~~ in consultation with the User Department, ~~approve~~ approves such substitution in writing. A Contractor shall not allow a substituted subcontractor to begin work until both the Director, Purchasing Agent and the User Department have approved the substitution.

(2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to

resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.

- (3) Substitutions of the subcontractor shall be permitted only on the following bases:
 - (i) Unavailability after receipt of reasonable notice to proceed.
 - (ii) Failure of performance.
 - (iii) Financial incapacity.
 - (iv) Refusal by the subcontractor to honor the bid or proposal price.
 - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.
 - (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
 - (vii) The subcontractor's withdrawal of its bid or proposal.
 - (4) The ~~County's~~ final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the CC Director.
 - (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
 - (6) If the County requires the substitution of a MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the CC Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBES and WBEs have a fair opportunity to bid on the new scope of work.
 - (e) Changes to the scopes of work shall be documented by the User Department at the time they arise to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.
 - (f) Prior to contract closeout, the CC Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach

of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

Sec. 34-301. Sanctions and penalties.

(a) The following violations of this subdivision may result in a breach of contract:

- (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post-award compliance, or other Program operations.
- (2) Committing any other violations of this subdivision.

(b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed non-responsive in future County solicitations and contracts as determined by the County's Purchasing ~~Ordinance~~ Agent, if it is found to have:

- (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;
- (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
- (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or
- (4) Failed to comply in good faith with substantive provisions of this subdivision.

Sec. 34-302. ~~Interim program~~ Program review and sunset.

(a) The President and the Board of Commissioners shall receive quarterly and annual reports from the CC Director detailing the County's performance under the ~~Interim~~ Program.

(b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.

(c) ~~Commencing on this Chapter's effective date, Within five years after the effective date of this ordinance, the County will retain qualified experts to review the operation of the Program and the evidentiary basis for the Program in order to develop evidence to assist the County in evaluating determine whether if the County has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.~~

(d) ~~On or before the sunset date of this Chapter, the County shall review the results of this evidence gathering, to determine whether it has a compelling interest in continuing narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.~~

(ed) This subdivision shall sunset on or before ~~June 30, 2011~~ June 30, 2016.

Sec. 34-303. Effective date.

This subdivision shall be effective upon ~~90 days after~~ passage.

Secs. 34-304 - 34-310. Reserved.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Vice Chairman Silvestri asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-107(dd):

PUBLIC SPEAKERS:

1. Mary Kay Minighan – WCOE
2. George Blakemore – Concerned Citizen

Commissioner Goslin moved to adjourn the meeting, seconded by Commissioner Murphy. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTER NAMED HEREIN:**

Communication No. 312738

Approved, as Amended

Respectfully submitted,

COMMITTEE ON CONTRACT COMPLIANCE

PETER N. SILVESTRI, Vice Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Silvestri, seconded by Commissioner Garcia, moved that the Report of the Committee on Contract Compliance be approved and adopted. **The motion carried unanimously.**

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

June 14, 2011

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Suffredin, Vice Chairman Gorman, Commissioners Daley, Fritchey and Silvestri (5).

Absent: Commissioners Gainer, Schneider, Sims and Steele (4).

Also Present: Patrick Driscoll, Jr. – Deputy State’s Attorney, Chief, Civil Actions Bureau.

Ladies and Gentlemen:

Your Committee on Rules and Administration of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, June 14, 2011 at the hour of 09:45 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following item and upon adoption of this report, the recommendations are as follows:

313120 COOK COUNTY CLERK, David Orr, presented in printed form a record of the Journal of the Proceedings of the meeting held on Wednesday, May 17, 2011.

***Referred to the Committee on Rules and Administration on 06/7/11.**

Vice Chairman Gorman, seconded by Commissioner Daley, moved approval of Communication No. 313120. The motion carried.

Commissioner Daley moved to adjourn the meeting, seconded by Vice Chairman Gorman. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTER NAMED HEREIN:**

Communication No. 313120

Approved

Respectfully submitted,

COMMITTEE ON RULES AND ADMINISTRATION

LARRY SUFFREDIN, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Suffredin, seconded by Commissioner Gorman, moved that the Report of the Committee on Rules and Administration be approved and adopted. **The motion carried unanimously.**

DEPARTMENT OF BUILDING AND ZONING

WAIVER OF PERMIT FEES

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Transmitting a Communication, dated April 27, 2011 from

DONALD H. WLODARSKI, Commissioner, Department of Building and Zoning

respectfully request the granting of the following No Fee Permits for the Forest Preserve District of Cook County for work performed on the following District properties:

<u>DISTRICT</u>	<u>PERMIT</u>	<u>PROPERTY</u>	<u>DESCRIPTION</u>	<u>TOWNSHIP</u>	<u>WAIVER AMOUNT</u>
1	101666	Central Garage 2199 South First Avenue Maywood	HVAC replacement	Proviso	\$606.38
5	101873	Maintenance Building 13100 South Halsted Riverdale	2nd floor demolition	Calumet	\$1,448.50
13	110409	Harms/Golf Stables 9451 Harms Road Morton Grove	Boiler replacement	Niles	\$535.25
13	110064	Glen/Grove Equestrian 9453 Harms Road Morton Grove	Gas heater unit installation	Niles	\$150.00
17	102031	Watchman's Residence 13500 South Wolf road Orland Park	Roof replacement	Niles	\$150.00
17	110134	Saganashkee Slough 10900 South 104th Avenue Palos Park	Roof replacement	Orland	\$75.00

This request is pursuant to the County Board's adoption of Ordinance No. 91-O-45 on September 16, 1991 that all building and zoning permit fees be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library district and all other local governmental bodies.

Estimated Fiscal Impact: \$5,890.13

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the permit fees be waived. **The motion carried unanimously.**

OFFICE OF CAPITAL PLANNING AND POLICY

CONTRACT ADDENDUM

Transmitting a Communication, dated May 12, 2011 from

HERMAN BREWER, Director, Office of Capital Planning and Policy

requesting authorization for the Purchasing Agent to increase by \$249,160.00, Contract No. 07-41-560 with Tilton, Kelly & Bell, LLC, Chicago, Illinois, for the Countywide Record Storage Center - Hawthorne Warehouse Project.

Board approved amount 04-09-08:	\$962,000.00
Total Changes to date:	<u>341,286.00</u>
Adjusted Contract to date:	\$1,303,286.00
Increase requested:	<u>249,160.00</u>
Adjusted amount:	\$1,552,446.00

Reason: Based on the recommendation by the Public Building Commission to consolidate the Countywide Warehouse & Records Storage Center Project with the Hawthorne Parking Lot Resurfacing & Entrance Control and the Countywide Window Replacement, Package 1, some additional design, environmental oversight, rebidding, and construction administration services will be required. The additional design work will include the design for the windows throughout the Warehouse and a limited use / limited access elevator (to the mezzanine level in order to meet the City of Chicago building code for ADA accessibility). The environmental oversight will include review of containment plans, daily reports, air-monitoring, and verification of abatement procedures for all hazardous material on site. Additional funds will also be needed to cover the cost associated with re-bidding the Project with an increased scope of work.

Estimated Fiscal Impact: \$249,160.00. 20000 County Physical Plant.

Vendor has met the Minority and Women Business Enterprise Ordinance.

Commissioner Murphy, seconded by Commissioner Butler, moved that the County Purchasing Agent be authorized to increase the requested contract. **The motion carried unanimously.**

CHANGE ORDER

Transmitting a Communication, dated May 11, 2011 from

HERMAN BREWER, Director, Office of Capital Planning & Policy

transmitted herewith for your approval is Change Order #7 in the amount of \$5,065.00 to the contract with Broadway Electric of Elk Grove Village, Illinois for the Countywide Fire & Life Safety System Replacement Project, Package Number 5. It is respectfully requested that this Honorable Body approve this request.

Reason: This change order is for a modification to the fire alarm notification system at Division VIII

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located on the Department of Corrections Campus from a chimed coded system, to a voice coded system. This change allows for better communications to the first responders at the site. This change is required by the Chicago Fire Department inspectors after performing their testing of the newly installed system on May 10, 2011.

Contract No. 09-53-241

Original Contract Sum:	\$926,305.00
Total Changes to-date:	<u>66,905.00</u>
Adjusted Contract to-date:	\$993,210.00
Amount of this Modification:	<u>5,065.00</u>
Adjusted Contract Sum:	\$998,275.00

Estimated Fiscal Impact: \$5,065.00. Contract extension: None. 20000 County Physical Plant.

Commissioner Murphy, seconded by Commissioner Butler, moved that the request of the Director of the Office of Capital Planning and Policy be approved. **The motion carried unanimously.**

CLERK OF THE CIRCUIT COURT

FISCAL YEAR 2010 INDEPENDENT AUDITOR REPORT

Transmitting a Communication from

DOROTHY A. BROWN, Clerk of the Circuit Court

submitting the FY 2010 Independent Auditor Report which includes the Report of Internal Controls Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards for the Office of the Clerk of the Circuit Court.

Please accept this report and refer it to the Audit Committee for review.

Commissioner Daley, seconded by Commissioner Garcia, moved that the communication be received and filed. **The motion carried unanimously.**

SHERIFF'S DEPARTMENT OF COMMUNITY SUPERVISION AND INTERVENTION

CONTRACT ADDENDUM

Transmitting a Communication, dated May 20, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

RASHANDA CARROLL, Executive Director, Department of Reentry and Diversion Programs

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requesting authorization for the Purchasing Agent to increase by \$37,500.00 and extend for seven (7) months, Contract No. 10-41-96 with Deer Rehabilitation Services, Inc., Chicago, Illinois, for the continuation of Coordinated Reentry Services for the Day Reporting Center Participants that are residing in Chicago's Austin, Garfield Park and Lawndale communities.

Board approved amount 05-04-10:	\$297,000.00
Increase requested:	<u>37,500.00</u>
Adjusted amount:	\$334,500.00

Reason: This increase and extension will allow Deer Rehabilitation Services, Inc., to continue to provide reentry services as part of the Illinois Criminal Justice Information Authority Coordinated Reentry Services Grant. The Illinois Criminal Justice Authority approved this increase on May 13, 2011.

Estimated Fiscal Impact: None. Grant Funded Amount: \$37,500.00. Contract extension: May 1, 2011 through November 30, 2011. (654-298 Account).

Commissioner Reyes, seconded by Commissioner Silvestri, moved that the County Purchasing Agent be authorized to increase and extend the requested contract. **The motion carried unanimously.**

DEPARTMENT OF CORRECTIONS

PERMISSION TO ADVERTISE

Transmitting a Communication, dated May 25, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

GARY HICKERSON, Acting Executive Director, Department of Corrections

requesting authorization for the Purchasing Agent to advertise for bids for the purchase of uniforms for male and female detainees.

Contract period: October 1, 2011 through September 30, 2012. (239-320 Account). Requisition No. 12390026

Approval of this item would commit Fiscal Year 2012 funds.

Commissioner Reyes, seconded by Commissioner Silvestri, moved that the communication be referred to the Committee on Finance. (Comm. No. 313132). **The motion carried unanimously.**

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Transmitting a Communication, dated May 25, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

GARY HICKERSON, Acting Executive Director, Department of Corrections

requesting authorization for the Purchasing Agent to advertise for bids for the purchase of sheets, towels and washcloths for detainees.

Contract period: October 1, 2011 through September 30, 2012. (239-330 Account). Requisition No. 12390027.

Approval of this item would commit Fiscal Year 2012 funds.

Commissioner Reyes, seconded by Commissioner Silvestri, moved that the communication be referred to the Committee on Finance. (Comm. No. 313133). **The motion carried unanimously.**

PROPOSED CONTRACT AMENDMENT

Transmitting a Communication, dated May 24, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

ALEXIS HERRERA, Chief Financial Officer, Cook County Sheriff's Office

requesting authorization for the Purchasing Agent to amend and increase by \$ 25,390,722.00 and extend for two (2) years, Contract No. 08-84-387 REBID Sections I and II, with Aramark Correctional Services, LLC., Philadelphia, Pennsylvania, for Food Service for Inmate Meals.

Board approved amount 05/05/09:	\$25,787,690.56
Previous Increase Approved 10/05/10 (CPI Adjustment)	\$140,022.00
Increase Requested Section I & II:	<u>\$25,390,722.00</u>
Adjusted amount:	\$ 51,318,434.56

Reason: The original terms of this contract was initially for two years with two one year extension options. Aramark has agreed to waive the contractually allowed increase based upon the Consumer Price Index variation, if the County agrees to extend this contract for a two year period instead of two separate one year extensions. This will result in a cost savings to the County of approximately \$140,000.

In conjunction with the renewal period the Sheriff's Office began a process to review and renegotiate the terms of contract #08-84-387 Rebid with Aramark Correctional Services. The Sheriff's Office and the vendor have come to the following terms; Aramark has agreed to reduce the price per meal for breakfast, lunch, and dinner meals at the CCDOC and DCSI. This has been achieved through the reduction in average calories per day from 2700 to 2300. This will result in a cost savings to the County of approximately \$700,000 over the next two years. The meal plan conforms with the Illinois Jail Acts and Regulations. This new meal plan is also a healthier alternative to the previous meal plan. With the assistance of the State's Attorney an amendment has been drafted to reflect these terms.

The total overall savings for the two year period is approximately \$840,000.00. The expiration date of the current contract is June 27, 2011.

Estimated Fiscal Impact: \$25,390,722.00. Contract extension: June 28, 2011 through June 27, 2013. (FY 2011-\$117,022.00, FY 2012-\$234,043.00, FY 2013-\$117,022.00 (212-223 Account); FY 2011-\$48,420.00, FY 2012 \$96,840.00, FY 2013-\$48,420.00 (230-231 Account); FY 2011-\$240,900.00, FY 2012-\$481,800.00, FY 2013-\$240,900.00 (235-223 Account); FY 2011-\$290,772.00, FY 2012-\$581,545.00, FY 2013-\$290,772.00 (Account 236-223); FY 2011-\$4,712,000.00, FY 2012-\$12,353,299.00, FY 2013-\$5,536,967.00 (239-223 Account).

Approval of this item would commit Fiscal Years 2012 and 2013 funds.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Reyes, seconded by Commissioner Daley, moved that the communication be referred to the Committee on Finance. (Comm. No. 313150). **The motion carried unanimously.**

BUREAU OF ECONOMIC DEVELOPMENT

PROPOSED HOME INVESTMENT PARTNERSHIPS PROGRAMS

Transmitting a Communication, dated May 23, 2011 from

HERMAN BREWER, Director, Office of Capital Planning and Policy

Re: HOME Investment Partnerships Program - Ford Heights Community Service Organization (FHCSO) Operating Grant

transmitted herewith is a request for approval of a HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) Operating Grant in the amount of \$119,000.00 to FHCSO. This operating grant will be utilized to support HOME-eligible operating costs including staff and general administrative expenses. Cost eligibility will be determined based upon U.S. Department of Housing and Urban Development regulatory criteria and relevance to current and potential affordable housing development projects sponsored by FHCSO.

I respectfully request approval of this project, and that the Bureau Chief of Economic Development or his/her designee be authorized to execute on behalf of the County of Cook, any and all documents necessary to further the project approved herein, including, but not limited to, funding agreements, intergovernmental agreements, amendments and modifications thereto. The approval of this project by the Honorable Body will permit staff to issue necessary commitments to allow this project to move forward.

Fiscal Impact: None. Grant Award: \$119,000.00. (772-298 Account).

Commissioner Garcia, seconded by Commissioner Murphy, moved that the communication be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313126). **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated May 23, 2011 from

HERMAN BREWER, Director, Office of Capital Planning and Policy

Re: HOME Investment Partnerships Program - Habitat for Humanity Chicago South Suburbs Operating Grant

transmitted herewith is a request for approval of a HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) Operating Grant in the amount of \$100,000.00 to Habitat for Humanity Chicago South Suburbs. This operating grant will be utilized to support HOME-eligible operating costs including staff and general administrative expenses. Cost eligibility will be determined based upon U.S. Department of Housing and Urban Development regulatory criteria and relevance to current and potential affordable housing development projects sponsored by Habitat.

I respectfully request approval of this project, and that the Bureau Chief of Economic Development or his/her designee be authorized to execute on behalf of the County of Cook, any and all documents necessary to further the project approved herein, including, but not limited to, funding agreements, intergovernmental agreements, amendments and modifications thereto. The approval of this project by the Honorable Body will permit staff to issue necessary commitments to allow this project to move forward.

Fiscal Impact: None. Grant Award: \$100,000.00. (772-298 Account).

Commissioner Garcia, seconded by Commissioner Murphy, moved that the communication be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313127). **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated May 23, 2011 from

HERMAN BREWER, Director, Office of Capital Planning and Policy

Re: HOME Investment Partnerships Program - South Suburban Public Action to Deliver Shelter (PADS) Project Loan

transmitted herewith is a request for approval of a HOME Investment Partnerships Program (HOME) Project Loan in the amount of \$3,970,000.00 to South Suburban PADS. This project loan will be utilized to support HOME-eligible project costs incurred during the development of a 77 unit new construction rental housing project in Country Club Hills containing 31 HOME-assisted units. As this project will include a supportive services component, it is classified as supportive housing.

The total development cost (TDC) is \$20,200,000.00. The requested HOME funding accounts for 20 percent of the TDC. Additional funding sources include Low-Income Housing Tax Credits (LIHTC) providing over \$15,000,000.00 in permanent financing.

The requested HOME funding would subsidize the project via a permanent, interest-only loan at a 1% interest rate amortized over 40 years.

I respectfully request approval of this project, and that the Bureau Chief of Economic Development or his/her designee be authorized to execute on behalf of the County of Cook, any and all documents necessary to further the project approved herein, including, but not limited to, funding agreements, intergovernmental agreements, amendments and modifications thereto, loan documents, lien assignments, releases of mortgages and liens, and mortgage assumptions. The approval of this project by the Honorable Body will permit staff to issue necessary commitments to allow this project to move forward.

Fiscal Impact: None. Loan Award: \$3,970,000.00. (772-298 Account).

Commissioner Garcia, seconded by Commissioner Murphy, moved that the communication be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313128). **The motion carried unanimously.**

DEPARTMENT OF FACILITIES MANAGEMENT

PROPOSED PERMISSION TO ADVERTISE

Transmitting a Communication, dated May 4, 2011 from

JAMES D'AMICO, Director, Department of Facilities Management

requesting authorization for the Purchasing Agent to advertise for bids for parking garage management services at the Juvenile Temporary Detention Center.

Contract period: September 3, 2011 through September 2, 2014. (499-260 Account). Requisition No. 12000167.

Approval of this item would commit Fiscal Years 2012, 2013, and 2014 funds.

This item was WITHDRAWN at the request of the sponsor.

* * * * *

Transmitting a Communication, dated April 27, 2011 from

JAMES D'AMICO, Director, Department of Facilities Management

requesting authorization for the Purchasing Agent to advertise for bids for Countywide elevator maintenance services, repair and upgrades.

Contract period: September 3, 2011 through September 2, 2014. (200-450, 891-450, 897-450 and 898-450 Accounts). Requisition Nos. 12000160, 18910081, 18970374 and 18980084.

Approval of this item would commit Fiscal Years 2012, 2013 and 2014 funds.

This item was WITHDRAWN at the request of the sponsor.

SHERIFF'S DEPARTMENT OF FISCAL ADMINISTRATION AND SUPPORT SERVICES

PERMISSION TO ADVERTISE

Transmitting a Communication, dated May 23, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

KEVIN MCGUIRE, Director, Vehicle Services

requesting authorization for the Purchasing Agent to advertise for bids for the maintenance, repair, parts, and labor for Cook County Sheriff's Department buses and trucks for Zone One and Zone Two.

The boundaries for Zone One are: NORTH: Cook County limits; WEST: Cook County limits;
EAST: Cook County limits; SOUTH: North side of Madison Avenue.

The boundaries for Zone Two are: NORTH: South side of Madison Avenue, WEST: Cook County limits,
EAST: Cook County limits, SOUTH: Cook County limits.

Contract period: August 1, 2011 through July 31, 2013. (499-444 Account). Requisition No. 12110519 and 12110520.

Approval of this item would commit Fiscal Years 2012 and 2013 funds.

Commissioner Reyes, seconded by Commissioner Silvestri, moved that the communication be referred to the Committee on Finance. (Comm. No. 313134). **The motion carried unanimously.**

CONTRACT RENEWAL

Transmitting a Communication, dated May 17, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

ALEXIS A. HERRERA, Chief Financial Officer

requesting authorization for the Purchasing Agent to renew Contract No. 09-41-249 with Wright Express Financial Services, Portland, Maine, for motor fuel card purchases.

Reason: This is a State of Illinois Contract for Fleet Cards for the purchase of fuel that is administered by the Sheriff's Department. The list of county users is as follows:

Cook County Sheriff's Department, Public Affairs and Communications, Office of the Chief Administrative Officer, Bureau of Technology, Office of Capital Planning and Policy, Office of the Treasurer, Environmental Control, Facilities Management, Recorder of Deeds, Medical Examiner, Office of the Public Defender, Adult Probation, Office of the Chief Judge, Juvenile Probation, Provident Hospital of Cook County, Social Services Department, Office of the Assessor, Cermak Health Services of Cook County, Animal Control, Clerk of the Circuit

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Court, State's Attorney, Department of Homeland Security and Emergency Management, Juvenile Temporary Detention Center, Stroger Hospital of Cook County, Public Guardian's Office and the Cook County Department of Public Health.

This request will be completed in accordance with the procedures established by the State of Illinois and Cook County with respect to the Joint Purchasing Program. This contract is renewable until 2016.

Estimated Fiscal Impact: \$9,500,000.00 (FY 2011: \$2,000,000.00; FY 2012: \$4,500,000.00; and FY 2013: \$3,000,000.00). Contract period: July 1, 2011 through June 30, 2013. (499-445 Account). Requisition No. 12110013.

Approval of this item would commit Fiscal Years 2012 and 2013 funds.

Commissioner Reyes, seconded by Commissioner Silvestri, moved that the County Purchasing Agent be authorized to renew the requested contract. **The motion carried unanimously.**

BUREAU OF FINANCE

CONTRACT ADDENDUM

Transmitting a Communication, dated June 8, 2011 from

TARIQ G. MALHANCE, Chief Financial Officer, Bureau of Finance

requesting authorization for the Purchasing Agent to exercise a one-year extension option or until a new contract is awarded, whichever comes first, for Contract No. 05-41-479 with Government Payment Services, Inc., Indianapolis, Indiana. The contract is to process credit card payments for cash bail for detainees at the Department of Corrections, Clerk of the Circuit Court ePlea and traffic fines, Highway Department, Sheriff's Office for administrative tow and merit board application fee, and Department of Revenue Individual Use Tax payments and Vehicle License payments.

Reason: The contract between Cook County and Government Payment Services, Inc. was initially approved by the Board of Commissioners on June 21, 2005. The original contract period was for a two (2) year term, with an option to renew for an additional three (3) years. At the conclusion of the initial two (2) year contract term, the Board of Commissioners approved an amendment to add a three-year and exercise said renewal. That renewal ended on June 22, 2010. On June 15, 2010 the contract was amended to add an extension for another one (1) year option, ending June 22, 2011. This request is to exercise the last extension option to allow time to complete the procurement of a credit card processing contract.

The Office of the Purchasing Agent is leading the effort on greater collaboration and on June 1, 2011 the Board of Commissioners approved Item #6, permission to advertise for Countywide credit card services.

Estimated Fiscal Impact: None. Contract extension: June 23, 2011 through June 22, 2012.

Commissioner Daley, seconded by Commissioner Garcia, moved that the County Purchasing Agent be authorized to extend the requested contract. **The motion carried unanimously.**

**LETTER REGARDING OVERSTATEMENT OF REVENUE
IN THE 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT**

Transmitting a Communication, dated May 16, 2011 from

TARIQ G. MALHANCE, Chief Financial Officer
and

CONSTANCE M. KRAVITZ, CPA, Cook County Comptroller

RE: Overstatement of Revenue in the 2009 Comprehensive Annual Financial Report

In May 2011, the financial management team of The County of Cook, Illinois (the “County”) identified, in connection with the on-going fiscal 2010 external audit process, that revenues had been erroneously reported in fiscal year 2009 on the modified accrual basis of accounting in the general fund financial statements, and on the full accrual basis of accounting in the government-wide financial statements. The County financial management team determined that the errors were primarily the result of improper journal entries recorded during the fiscal year 2009 financial closing process which resulted in (i) the double-recording of certain non-property tax revenues, primarily including State of Illinois sales taxes, and (ii) the over-accrual of revenues that should have been attributed to December 2009 (fiscal year 2010) from certain taxes imposed by the County under its home rule powers (i.e. cigarette tax) and/or from fee office charges. In the general fund, the combined result of the errors was to overstate County assets and revenues on the modified accrual basis of accounting by approximately \$90 million. The government-wide financial statements on the full accrual basis of accounting were misstated by approximately \$55 million. As restated, the general fund balance for fiscal year 2009 is approximately \$100 million.

In consultation with the President’s Office, the Chairman of the Audit Committee of the Cook County Board of Commissioners and its independent auditors, the County’s financial management team has determined to restate the beginning fund balance for the general fund and the beginning net deficit for the governmental activities of the government-wide financial statements in its fiscal 2010 basic financial statements.

The County has appointed a new Director of Financial Reporting, effective June 6, 2011, to ensure that proper financial closing and reporting policies, procedures, and internal controls (specifically journal entry recording and authorization controls) will be implemented to mitigate the future risk of material misstatement.

The financial management team has concluded that these errors are material to the previously issued basic financial statements and auditor’s report thereon; accordingly, the County has removed the 2009 basic financial statements and auditor’s report thereon from its website and disseminated this statement by (i) delivering it to the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access System for municipal securities (ii) posting it to the Cook County website and (iii) submitting it to the U.S. Federal Audit Clearinghouse.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Daley, seconded by Commissioner Murphy, moved that the communication be received and filed. **The motion carried unanimously.**

RESOLUTIONS

Transmitting a Communication, dated June 7, 2011 from

TARIQ G. MALHANCE, Chief Financial Officer, Bureau of Finance

respectfully requesting approval of the following Resolution to update the bank account authorized signatories at Harris Bank.

**11-R-224
RESOLUTION**

Sponsored by

THE HONORABLE TONI PRECKWINKLE

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Cook County Board of Commissioners has the legal authority to authorize its departments and offices to open and maintain checking and savings accounts at various banks; and

WHEREAS, it is now necessary to update those persons who are authorized to be signers on the account.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Government/Cook County Bureau of Finance account at Harris Bank be updated; and

BE IT FURTHER RESOLVED, that the following persons who are authorized to sign checks, wire or otherwise transfer funds from the depository account to the Office of the Cook County Treasurer/Collector approved investment vehicles:

- d. Tariq G. Malhance, Chief Financial Officer
- e. Constance M. Kravitz, Comptroller

BE IT FURTHER RESOLVED, that the person as signer on the account shall be deleted:

- 1. Jaye Morgan Williams

BE IT FURTHER RESOLVED, that the Cook County Auditor be directed to audit the Cook County Government/Cook County Bureau of Finance account of said institution at the close of each Fiscal Year or at anytime it sees fit, and to file report(s) thereon with the Cook County Board; and

BE IT FURTHER RESOLVED, that any funds drawn on said Cook County Government/Cook County Bureau of Finance account for deposit with the Cook County Treasurer/Collector shall be transmitted to the Cook County Comptroller with an itemization of collection and designation of the account in the Office of the Comptroller.

Approved and adopted this 14th day of June 2011.

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TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Garcia, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated June 7, 2011 from

TARIQ G. MALHANCE, Chief Financial Officer, Bureau of Finance

respectfully requesting approval of the following Resolution to update the bank account authorized signatories at JP Morgan Chase.

**11-R-225
RESOLUTION**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Cook County Board of Commissioners has the legal authority to authorize its departments and offices to open and maintain checking and savings accounts at various banks; and

WHEREAS, it is now necessary to update those persons who are authorized to be signers on the account.

NOW, THEREFORE, BE IT RESOLVED, that the Series 1996 Corporate Project Fund account at JP Morgan Chase be updated; and

BE IT FURTHER RESOLVED, that the following persons who are authorized to sign checks, wire or otherwise transfer funds from the depository account to the Office of the Cook County Treasurer/Collector approved investment vehicles:

1. Tariq G. Malhance, Chief Financial Officer
2. Constance M. Kravitz, Comptroller

BE IT FURTHER RESOLVED, that the person as signer on the account shall be deleted:

1. Jaye Morgan Williams

BE IT FURTHER RESOLVED, that the Cook County Auditor be directed to audit the Series 1996 Corporate Project Fund account of said institution at the close of each Fiscal Year or at anytime it sees fit, and to file report(s) thereon with the Cook County Board; and

BE IT FURTHER RESOLVED, that any funds drawn on said Series 1996 Corporate Project Fund account for deposit with the Cook County Treasurer/Collector shall be transmitted to the Cook County

Comptroller with an itemization of collection and designation of the account in the Office of the Comptroller.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Garcia, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated June 7, 2011 from

TARIQ G. MALHANCE, Chief Financial Officer, Bureau of Finance

respectfully requesting approval of the following Resolution to update the bank account authorized signatories at JP Morgan Chase.

**11-R-226
RESOLUTION**

Sponsored by

THE HONORABLE TONI PRECKWINKLE

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Cook County Board of Commissioners has the legal authority to authorize its departments and offices to open and maintain checking and savings accounts at various banks; and

WHEREAS, it is now necessary to update those persons who are authorized to be signers on the account.

NOW, THEREFORE BE IT RESOLVED, that the Corporate Project Fund account at JP Morgan Chase be updated; and

BE IT FURTHER RESOLVED, that the following persons who are authorized to sign checks, wire or otherwise transfer funds from the depository account to the Office of the Cook County Treasurer/Collector approved investment vehicles:

1. Tariq G. Malhance, Chief Financial Officer
2. Constance M. Kravitz, Comptroller

BE IT FURTHER RESOLVED, that the person as signer on the account shall be deleted:

1. Jaye Morgan Williams

BE IT FURTHER RESOLVED, that the Cook County Auditor be directed to audit the Corporate Project Fund account of said institution at the close of each Fiscal Year or at anytime it sees fit, and to file report(s) thereon with the Cook County Board; and

BE IT FURTHER RESOLVED, that any funds drawn on said Corporate Project Fund account for deposit with the Cook County Treasurer/Collector shall be transmitted to the Cook County Comptroller with an itemization of collection and designation of the account in the Office of the Comptroller.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Garcia, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated June 7, 2011 from

TARIQ G. MALHANCE, Chief Financial Officer, Bureau of Finance

respectfully requesting approval of the following Resolution to update the bank account authorized signatories at Seaway Bank.

**11-R-227
RESOLUTION**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Cook County Board of Commissioners has the legal authority to authorize its departments and offices to open and maintain checking and savings accounts at various banks; and

WHEREAS, it is now necessary to update those persons who are authorized to be signers on the account.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Bureau of Finance (Alien Assistance Program) account at Seaway Bank be updated; and

BE IT FURTHER RESOLVED, that the following persons who are authorized to sign checks, wire or otherwise transfer funds from the depository account to the Office of the Cook County Treasurer/Collector approved investment vehicles:

1. Tariq G. Malhance, Chief Financial Officer
2. Constance M. Kravitz, Comptroller

BE IT FURTHER RESOLVED, that the person as signer on the account shall be deleted:

1. Jaye Morgan Williams

BE IT FURTHER RESOLVED, that the Cook County Auditor be directed to audit the Cook County Bureau of Finance (Alien Assistance Program) account of said institution at the close of each Fiscal Year or at anytime it sees fit, and to file report(s) thereon with the Cook County Board; and

BE IT FURTHER RESOLVED, that any funds drawn on said Cook County Bureau of Finance (Alien Assistance Program) account for deposit with the Cook County Treasurer/Collector shall be transmitted to the Cook County Comptroller with an itemization of collection and designation of the account in the Office of the Comptroller.

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Daley, seconded by Commissioner Garcia, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

PROPOSED RESOLUTIONS

Transmitting a Communication, dated June 14, 2011 from

TARIQ G. MALHANCE, Chief Financial Officer

Re: Line of Credit Agreement and Note

submitting herewith for your consideration is a Resolution for the approval of a Line of Credit Agreement and Note.

I submit this communication for your approval.

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President, Cook County Board of Commissioners

PROPOSED RESOLUTION

FOR THE APPROVAL OF A LINE OF CREDIT AGREEMENT

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that “a County which has a Chief Executive Officer elected by the electors of the County ... (is) a Home Rule Unit” and The County of Cook, Illinois (the “*County*”), has a Chief Executive Officer elected by the electors of the County and is therefore a Home Rule Unit and may, under the power granted by said Section 6(a) of Article VII of the Constitution of 1970, as supplemented by the Local Government Debt Reform Act, as amended, and the other Omnibus Bond Acts, as amended, exercise any power and

perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the County has the power to incur debt payable from ad valorem property tax receipts or from any other lawful source and maturing within 40 years from the time it is incurred without prior referendum approval; and

WHEREAS, the Board of Commissioners of the County (the "*Board*") has not adopted any ordinance, resolution, order or motion or provided any County Code provisions which restrict or limit the exercise of the home rule powers of the County in the issuance of general obligation bonds without referendum for corporate purposes or which provides any special rules or procedures for the exercise of such power; and

WHEREAS, pursuant to Ordinance 11-O-29, adopted February 16, 2011 (the "*Authorizing Ordinance*"), the Board heretofore determined it to be advisable, necessary and in the best interests of the County that the County authorize the execution and delivery of an agreement for a line of credit; and

WHEREAS, pursuant to the Authorizing Ordinance, the Line of Credit Agreement (the "*Agreement*") is to be approved by the Chief Financial Officer (the "*CFO*") and by a majority vote at a County Board meeting; and

WHEREAS, the CFO has selected a provider of a line of credit for the County and has agreed on terms for the creation of such line of credit and the issuance of one or more notes to evidence the obligation of the County to repay amounts due and owing thereunder.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves for execution the Agreement and Note submitted hereto providing for a line of credit.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Daley, seconded by Commissioner Murphy, moved that the Proposed Resolution be referred to the Committee on Finance. (Comm. No. 313154). **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated June 14, 2011 from

TARIQ G. MALHANCE, Chief Financial Officer

Re: Bond Finance Team Resolution

submitting herewith for your consideration is a Resolution for the selection of the Bond Financing Team.

I submit this communication for your approval.

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President, Cook County Board of Commissioners

PROPOSED RESOLUTION

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that “a County which has a Chief Executive Officer elected by the electors of the County ... (is) a Home Rule Unit” and The County of Cook, Illinois (the “*County*”), has a Chief Executive Officer elected by the electors of the County and is therefore a Home Rule Unit and may, under the power granted by said Section 6(a) of Article VII of the Constitution of 1970, as supplemented by the Local Government Debt Reform Act, as amended, and the other Omnibus Bond Acts, as amended, exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the County has the power to incur debt payable from ad valorem property tax receipts or from any other lawful source and maturing within 40 years from the time it is incurred without prior referendum approval; and

WHEREAS, the Board of Commissioners of the County (the “*Board*”) has not adopted any ordinance, resolution, order or motion or provided any County Code provisions which restrict or limit the exercise of the home rule powers of the County in the issuance of general obligation bonds without referendum for corporate purposes or which provides any special rules or procedures for the exercise of such power; and

WHEREAS, the County anticipates issuing, from time to time, one or more series of general obligation bonds to pay approved capital project costs, to refund one or more series of its outstanding general obligation bonds, and to pay other costs the Chief Financial Officer (the “*CFO*”) deems appropriate for payment through bond proceeds; and

WHEREAS, the CFO has fulfilled the procurement requirements set forth in Chapter 34, Article IV, Division 3, Sections 34-183 and 34-185 of the Cook County Code of Ordinances; and

WHEREAS, pursuant to Sections 34-183 and 34-185 of the Cook County Code of Ordinances, the selection of senior managers, co-managers, and bond counsel are to be submitted to the Board for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the following Financing Team for Bond Issuances authorized by the Board pursuant to any 2011 Master Bond Ordinance approved and passed by the Board:

Lead Manager:	William Blair
Co-Lead Manager:	Cabrera Capital Markets LLC (MBE)
Co-Managers:	BMO Capital Markets Goldman Sachs Mesirow Financial Loop Capital Markets (MBE) Melvin and Company (MBE) Podesta and Company (WBE)
Financial Advisor:	AC Advisory (M/WBE)
Bond Counsel:	Chapman and Cutler LLP

Co-Bond Counsel: Sanchez Daniels & Hoffman LLP (MBE)

Underwriter's Counsel: Ungaretti & Harris LLP

Co-Underwriter's Counsel: Charity & Associates PC (MBE)

Effective Date: Resolution effective upon passage.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Daley, seconded by Commissioner Murphy, moved that the Proposed Resolution be referred to the Committee on Finance. (Comm. No. 313155). **The motion carried unanimously.**

HIGHWAY DEPARTMENT

PROPOSED AGREEMENT AMENDMENT

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

The Highway Department is requesting a name change for the following agreement:

1. Part "B" engineering services
Wentworth Avenue,
Glenwood-Lansing Road to Ridge Road
in the Village of Lansing in County Board District #6
Section: 95-W6606-01-FP
Centerline Mileage: 1.47 miles

This agreement is being changed from Consoer Townsend Envirodyne Engineers, Inc. to AECOM Technical Services, Inc. as requested by the Consultants letter dated March 24, 2011.

Pertinent information for AECOM Technical Services, Inc. is listed below:

AECOM Technical Services, Inc.
303 East Wacker Drive Suite 600
Chicago, Illinois 60601

This will have no effect upon the present agreement for professional services.

Commissioner Garcia, seconded by Commissioner Murphy, moved that the communication be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313123). **The motion carried unanimously.**

PROPOSED ACQUISITION OF REAL ESTATE

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

respectfully requesting permission to discuss the following matter with the Board of Commissioners, or the Real Estate and Business and Economic Development Subcommittee thereof, pursuant to Cook County Code, Section 34-127 Sale or Purchase of Real Estate.

1. Joe Orr Road,
Bishop Ford Freeway (IL 394) to Burnham Avenue
in the Village of Lynwood in County Board District #6
Section: 04-B6736-02-LA
Parcels: 0019A and 0019B

Commissioner Garcia, seconded by Commissioner Daley, moved that the communication be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313122). **The motion carried unanimously.**

PERMISSION TO ADVERTISE

Transmitting a Communication from

RUPERT F. GRAHAM, P.E., Superintendent of Highways

The following projects are presented to your Honorable Body for adoption and authorization for advertising for bids after all appropriate approvals of the plans, specifications, proposals and the estimates have been obtained for receipt of Contractor's bids:

<u>LOCATION</u>	<u>TYPE</u>	<u>SECTION NUMBER</u>
Guardrail and Fence Repairs - 2011	Annual Maintenance Contract	11-IFGFR-06-GM

I respectfully request that your Honorable Body concur in this recommendation (600-600 Account).

Commissioner Garcia, seconded by Commissioner Schneider, moved that the request of the Superintendent of Highways be approved. **The motion carried unanimously.**

INTERGOVERNMENTAL AGREEMENT

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Intergovernmental Agreement between the County of Cook and the Village of Deerfield
Lake-Cook Road,
East of Wilmot Road to Pfingsten Road
in the Village of Deerfield in County Board District #14
Section: 01-A5020-02-RP

Centerline Mileage: 0.88 miles

Fiscal Impact: \$8,000,000.00 (\$523,110.00 to be reimbursed from the Village of Deerfield) from the Motor Fuel Tax Fund (600-600 Account)

Intergovernmental Agreement with the Village of Deerfield, wherein the County will include landscaping, sidewalk, water main and sanitary sewer improvements for the Village of Deerfield as part of the County's roadway reconstruction project along Lake-Cook Road, East of Wilmot Road to Pfingsten Road, Section: 01-A5020-02-RP (estimated project cost \$8,000,000.00). In consideration of said landscaping, the Village will operate and maintain the landscaped medians along Lake-Cook Road within the project limits. The Village of Deerfield shall reimburse the County of Cook for its share of sidewalk, water main and sanitary sewer construction costs. Estimated Village share is \$523,110.00.

Commissioner Garcia, seconded by Commissioner Murphy, moved that the request of the Superintendent of Highways be approved. **The motion carried unanimously.**

PROPOSED SUPPLEMENTAL AGREEMENT RESOLUTION

Transmitting a Communication from

RUPERT F. GRAHAM, JR. P.E., Superintendent of Highways

Letter of Supplemental Agreement with AECOM Technical Services, Inc.
Additional Part B Engineering Services
Wentworth Avenue,
Glenwood-Lansing Road to Ridge Road
in the Village of Lansing in County Board District #6
Section: 95-W6606-01-FP
Centerline Mileage: 1.47 miles
Fiscal Impact: \$187,931.00 from the Motor Fuel Tax Fund (600-600 Account)

Board approved amount 09-04-03:	\$373,166.00
Increase requested:	<u>187,931.00</u>
Adjusted amount:	\$561,097.00

Previously, your Honorable Body approved an Agreement on September 4, 2003 in the amount of \$373,166.00 with Consoer Townsend Envirodyne Engineers, Inc. as part of the Wentworth Avenue improvement. Subsequently, AECOM Technical Services, Inc. has assumed all interests in the aforesaid contract as described in the attached Affidavit of Assignment of Contract. This supplement is for additional engineering services required to complete revisions and scope changes that were requested by this Department but were not included in the original contract. The County will compensate AECOM Technical Services, Inc. for such additional work in the amount not to exceed \$187,931.00.

Commissioner Garcia, seconded by Commissioner Murphy, moved that the communication be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313124). **The motion carried unanimously.**

MAINTENANCE RESOLUTION

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Motor Fuel Tax Project
Highway Maintenance Resolution
Guardrail and Fence Repairs for Calendar Year 2011
Annual Maintenance Contract
Various Locations Countywide
Section: 11-IFGFR-06-GM

Commissioner Garcia, seconded by Commissioner Murphy, moved that the Maintenance Resolution be approved and adopted. **The motion carried unanimously.**

CONTRACTS AND BONDS

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

transmitting Contracts and Bonds executed by the contractors for approval and execution as requested by the Superintendent of Highways.

<u>ITEM</u>	<u>SECTION</u>	<u>BIDDER</u>
1. Narragansett Avenue, 87th Street to 79th Street Federal Project No.: M-HPP-0318(106)	08-W3719-04-FP	A Lamp Concrete Contractors, Inc.
Total Contract Amount: \$3,968,088.50. Date Advertised: February 8, 2011. Date of Bid Opening: March 3, 2011. Date of Board Award: April 20, 2011.		
2. 171st Street, LaGrange Road to Harlem Avenue	11-B6022-04-RP	Acura, Inc.

Total Contract Amount: \$2,161,274.00. Date Advertised: March 14, 2011. Date of Bid Opening:
March 30, 2011. Date of Board Award: April 20, 2011.

Commissioner Garcia, seconded by Commissioner Murphy, moved that the contracts and bonds be approved and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried unanimously.**

PROPOSED CHANGE IN PLANS AND EXTRA WORK

Transmitting a Communication from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Section: 09-A6416-01-RP. Dempster Street, Algonquin Road to Elmhurst Road in the Village of Mount Prospect and in unincorporated Elk Grove Township in County Board District #15. Adjustment of Quantities and New Items. \$70.26 (Deduction).

Commissioner Garcia, seconded by Commissioner Murphy, moved that the communication be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313125). **The motion carried unanimously.**

BUREAU OF HUMAN RESOURCES

HUMAN RESOURCES ACTIVITY REPORT

Transmitting a Communication, dated June 14, 2011 from

MAUREEN T. O'DONNELL, Chief, Bureau of Human Resources
and
CONSTANCE M. KRAVITZ, C.P.A., County Comptroller

submitting the Human Resources Activity report covering the two (2) week pay period ending May 7, 2011.

Commissioner Daley, seconded by Commissioner Silvestri, moved that the communication be received and filed. **The motion carried unanimously.**

JUDICIAL ADVISORY COUNCIL

CONTRACT ADDENDUM

Transmitting a Communication, dated June 10, 2011 from

MARGARET EGAN, Acting Director Judicial Advisory Council

requesting authorization for the Purchasing Agent to extend for five (5) months contract No. 10-41-97 with the University of Illinois Ceasefire program for violence reduction in the Roseland and Englewood neighborhoods through a concentrated effort of community awareness and violence interruption.

Reason: The extension of time is needed to allow the University of Illinois and the Roseland CeaseFire program to fully expend the amount funded. Approximately \$127,310.62 remains unspent. The extended contract will be in effect for the period June 16, 2011 through November 30, 2011.

Estimated Fiscal Impact: None. Contract extension: June 16, 2011 through November 30, 2011.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Garcia, seconded by Commissioner Daley, moved that the County Purchasing Agent be authorized to extend the requested contract. **The motion carried unanimously.**

JUVENILE TEMPORARY DETENTION CENTER

PERMISSION TO ADVERTISE

Transmitting a Communication, dated April 27, 2011 from

EARL L. DUNLAP, Transitional Administrator, Juvenile Temporary Detention Center

requesting authorization for the Purchasing Agent to advertise for bids for the purchase of staff uniforms and accessories.

Contract period: August 1, 2011 through July 31, 2012. (440-320 Account). Requisition No. 14400080.

Approval of this item would commit Fiscal Year 2012 funds.

Commissioner Collins, seconded by Commissioner Reyes, moved that the communication be referred to the Committee on Finance. (Comm. No. 313131). **The motion carried unanimously.**

SHERIFF'S MERIT BOARD

PROPOSED APPOINTMENT

Transmitting a Communication, dated June 9, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

ALEXIS HERRERA, Chief Financial Officer

I hereby appoint Mr. Vincent T. Winters to the Cook County Sheriff's Merit Board, to fill the vacancy left by Ms. Marynell O. Greer, for a term to begin immediately and expire on the third Monday in March, 2017.

Pursuant to Chapter 55 ILCS 5/3-7002, I hereby request the advice and consent of the Cook County Board of Commissioners relative to the appointment of Mr. Vincent T. Winters.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Murphy, moved that the communication be referred to the Committee on Legislation and Intergovernmental Relations. (Comm. No. 313149). **The motion carried unanimously.**

DEPARTMENT OF PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Transmitting a Communication, dated May 23, 2011 from

HERMAN BREWER, Director, Office of Capital Planning and Policy

Transmitted herewith are the recommended projects for the 2011 Community Development Block Grant Program (CDBG), the Emergency Shelter Grant Program (ESG), and the proposed use of funds under the HOME Investment Partnerships Program (HOME). The Cook County Community Development Advisory Council (CDAC) adopted these recommendations at a public hearing held on May 19, 2011.

The amount of CDBG funds requested was over \$21 million. The amount of CDBG funds available for programming is based on 2011 Program Year allocation estimates totaling \$9,405,620.00. The proposed use of CDBG funds will provide benefits to low and moderate-income persons.

The amount of ESG funds requested was over \$1 million. The amount of ESG funds available for programming, were originally based on 2011 Program Year allocation estimates totaling \$600,382.00. However, the U.S. Department of Housing and Development (HUD) has advised Grantees to assume funding based on the 2010 allocation of \$435,001.00. The proposed use of ESG funds is to provide essential services, and maintenance/operations costs for homeless shelters in suburban Cook County, as well as funding for homeless prevention.

The amount of HOME Investment Partnerships funds granted by HUD for the 2011 Program Year allocation is estimated at \$5,524,208.00. Applications for eligible HOME projects are accepted throughout the year. The proposed use of all funds must be incorporated into the County's Annual Action Plan for submittal to HUD.

Estimated project allocations will be adjusted proportionally upon receipt of final allocations.

Prior to submitting required documents to HUD, Cook County must also publish recommended project descriptions in the Annual Action Plan. All documents and certifications must be submitted to HUD no later than August 15, 2011.

I respectfully request approval of the recommended proportional allocations for the CDBG and ESG projects, the proposed use of the HOME funds, and that the Bureau Chief of Economic Development or his/her designee be authorized to execute, on behalf of the County of Cook, any and all documents necessary to further the programs approval herein, including, but not limited to, subrecipient agreements, intergovernmental agreements, amendments and modifications thereto, loan documents, lien assignments, releases of mortgages and liens, and mortgage assumptions.

Commissioner Garcia, seconded by Commissioner Butler, moved that the request of the Director of the Office of Capital Planning and Policy be approved. **The motion carried.**

Commissioner Collins voted "no".

* * * * *

Transmitting a Communication, dated May 23, 2011

HERMAN BREWER, Director, Office of Capital Planning and Policy

transmitted herewith is a request for transfer of five single-family properties purchased by Cook County under the auspices of the Neighborhood Stabilization Program (NSP) to eligible and qualified existing NSP developers for project completion.

These properties were initially purchased in accordance with an initiative previously Board approved on January 12, 2010 which permitted the purchase and redevelopment of eligible vacant, abandoned and foreclosed homes throughout suburban Cook County.

Under the direction of the former Bureau Chief and Administration, Cook County acquired five real estate owned (REO) properties and currently holds title as noted below:

- f. 5309 Arquilla Drive, Richton Park
- g. 215 Early Street, Park Forest
- h. 21728 Peterson Avenue, Sauk Village
- i. 22626 Spencer Avenue, Sauk Village
- j. 13705 Stewart Avenue, #3, Riverdale

Upon Board approval, Habitat for Humanity Chicago South Suburbs will assume ownership of the aforementioned Park Forest property. With Board approval, Mecca Companies will assume ownership of the four remaining properties. Immediately, upon transfer of site control, these developers will proceed with rehabilitation and resale to eligible households.

I respectfully request approval of transfer of these properties to developers for project completion, and that the Bureau Chief of Economic Development or his/her designee be authorized to execute, on behalf of the County of Cook, any and all documents necessary to further the project approved herein, including, but not limited to, funding agreements, intergovernmental agreements, amendments and modifications thereto, loan documents, lien assignments, releases of mortgages and liens and mortgage assumptions. The approval of this project by the Honorable Body will permit staff to issue necessary commitments to allow this program to move forward.

Fiscal Impact: None.

Commissioner Garcia, seconded by Commissioner Murphy, moved that the communication be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313129). **The motion carried unanimously.**

PROPOSED RESOLUTION

Transmitting a Communication, dated May 25, 2011 from

HERMAN BREWER, Director, Office of Capital Planning and Policy

respectfully submitting this Resolution regarding Gullo International Development Corporation a/k/a Parkway Bank and Trust Company's request for a Class 6b property tax incentive for special circumstances and substantial rehabilitation for an industrial building located at 2050 Lively Boulevard (a/k/a 2100 Lively Boulevard), Elk Grove Village, Illinois. The applicant intends to lease the property to qualified industrial businesses.

Gullo requests approval of the tax incentive based on the special circumstances that the property has been vacant for more than 24 months; there has been no purchase for value; and substantial rehabilitation will be completed under the Class 6b Ordinance. This Resolution is required so that the company can complete its application to the Assessor of Cook County.

Submitting a Proposed Resolution sponsored by

TONI PRECKWINKLE, President and ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

PROPOSED RESOLUTION

WHEREAS, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

WHEREAS, the County Board of Commissioners has received and reviewed an application from Gullo International Development Corporation a/k/a Parkway Bank and Trust Company; Trust Agreement dated 10/25/07 and known as Trust Number 14438; and Resolution No. 11-09 from the Village of Elk Grove Village for an abandoned industrial facility located at 2050 Lively Blvd. (a/k/a 2100 Lively Boulevard), Elk Grove Village, Cook County, Illinois, County Board District #17, Property Index Numbers 08-34-307-020-0000 and 08-34-307-021-0000; and

WHEREAS, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

WHEREAS, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for the purpose of Class 6b; and

WHEREAS, in the case of abandonment of over 24 months and no purchase for value by a disinterested buyer, the County may determine that special circumstances justify finding the property is deemed abandoned; and

WHEREAS, Class 6b requires a resolution by the Cook County Board validating the property is deemed abandoned for the purposes of Class 6b; and

WHEREAS, the Cook County Board of Commissioners has determined that the building has been abandoned for more than 30 months, at the time of application, with no purchase for value and that special circumstances are present; and

WHEREAS, the re-occupancy will retain 37 jobs with the hope to create additional jobs when the units are fully occupied and the businesses begin to thrive at the subject property location; and

WHEREAS, the Village of Elk Grove Village states the Class 6b is necessary for development to occur on this specific real estate. The Village of Elk Grove Village resolution cites the special circumstances include that the property has been vacant for over 24 months; will have no purchase for value; and is in need of substantial rehabilitation; and

WHEREAS, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 2050 Lively Boulevard (a/k/a 2100 Lively Boulevard), Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor.

Commissioner Garcia, seconded by Commissioner Murphy, moved that the Proposed Resolution be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. (Comm. No. 313129). **The motion carried unanimously.**

DEPARTMENT OF PUBLIC HEALTH

WE|PLAN COMMUNITY HEALTH ASSESSMENT AND COMMUNITY HEALTH PLAN

Transmitting a Communication, dated May 13, 2011 from

STEPHEN A. MARTIN, JR., Ph.D., M.P.H., Chief Operating Officer, Department of Public Health

submitting the *we|PLAN* Community Health Assessment and Community Health Plan.

The Cook County Department of Public Health respectfully requests the Board of Commissioners to approve the *we|PLAN* Community Health Assessment and Community Health Plan for the Department of Public Health.

Every five years, all state recognized local public health departments are required to perform an organizational assessment and to develop a community health plan based on a community health assessment. This process is necessary for certification status and funding through the Illinois Department of Public Health's Local Health Protection Grant.

The date for the Department of Public Health to submit this information to the Illinois Department of Public Health is June 24, 2011.

Prior to submission, the local governing board is asked to acknowledge and adopt the written document.

Currently, the amount the Department of Public Health receives from the annual Local Health Protection Grant is \$2,065,038.00. Also, certification status provides the department with preferential consideration for funding from many other Illinois Department of Public Health grant programs.

The health plan was approved by the Cook County Health & Hospitals System Board on May 26, 2011.

Commissioner Butler, seconded by Commissioner Silvestri, moved that the request of the Chief Operating Officer of the Department of Public Health be approved. **The motion carried unanimously.**

2015 COOK COUNTY DEPARTMENT OF PUBLIC HEALTH STRATEGIC PLAN

Transmitting a Communication, dated May 13, 2011 from

STEPHEN A. MARTIN, JR., Ph.D., M.P.H., Chief Operating Officer, Department of Public Health

submitting the 2015 Cook County Department of Public Health Strategic Plan.

The Cook County Department of Public Health (CCDPH) respectfully requests the Board of Commissioners to approve the 2015 Strategic Plan for the Department of Public Health.

The CCDPH 2015 Strategic Plan, designed in alignment with the Cook County Health & Hospitals System Strategic Plan: Vision 2015, responds to critical issues and opportunities, advancing our mission, vision and values. This plan will allow CCDPH to respond quickly to the changing health care environment, the economic crisis, and challenges facing the field of public health nationally.

Strategic Plan Goals and Anticipated Outcomes

Goal 1: Leading Public Health in Cook County

CCDPH will ensure its primary leadership role in planning, providing for, and protecting the health of all residents of Cook County, by increasing integration with the Cook County Health & Hospitals System and closer collaboration with the five certified public health departments.

Goal 2: Improving Health

The health status of our residents and communities will be improved through implementation of a strategic health plan.

Goal 3: Achieving Accreditation and Assuring Quality

Continuous implementation of agency-wide performance management strategies and meeting established national standards for local public health practice will enable CCDPH to deliver the highest quality programs and services.

Goal 4: Strengthening Organizational Capacity

CCDPH will improve its organizational capacity to meet county-wide public health responsibilities, employing workforce development and specific initiatives focused on communications, information technology, and fiscal resources.

The strategic plan was approved by the Cook County Health & Hospitals System Board on May 26, 2011.

Commissioner Butler, seconded by Commissioner Silvestri, moved that the request of the Chief Operating Officer of the Department of Public Health be approved. **The motion carried unanimously.**

ORDINANCE AMENDMENT

Transmitting a Communication, dated May 13, 2011 from

STEPHEN A. MARTIN, JR., Ph.D., M.P.H., Chief Operating Officer, Department of Public Health

The Cook County Department of Public Health respectfully requests the Board of Commissioners to approve the proposed amendment to the Cook County Board of Health Ordinance.

This proposed amendment will update the mission of the Cook County Department of Public Health as a result of a nine month strategic planning process begun in August 2010 to develop a five year strategic plan to guide the Department in responding to upcoming changes in the healthcare field and in providing high quality public health services to Cook County residents in an efficient and cost effective manner. This new mission statement reflects the goals included in the strategic plan.

**11-O-64
ORDINANCE**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT
AND JERRY BUTLER AND ELIZABETH ‘LIZ’ DOODY GORMAN
COUNTY COMMISSIONERS**

AMENDMENT TO THE COOK COUNTY BOARD OF HEALTH ORDINANCE

WHEREAS, pursuant to ordinance, the Board of Commissioners organized and constituted itself as the Board of Health of the County and established the Cook County Department of Public Health(“Department”); and

WHEREAS, the Department is subject to the control of the Board of Health and the direction of the Chief of Health Services of the Cook County Health and Hospitals System (“Health System”); and

WHEREAS, in 2008, the Board of Commissioners adopted an Ordinance Establishing the Cook County Health and Hospitals System (“Health System”) and included the Department as part of the Health System; and

WHEREAS, the 2008 Ordinance establishing the Health System charged the Health System to perform, through the Department, essential services of a local public health authority as provided in the Cook County Board of Health Ordinance, Sections 38-26 through 38-40 of the Cook County Code, other Cook County Ordinances imposing duties upon the Department, and the regulations of the Department promulgated there under; the Department of Public Health Act, 20 ILCS 2305/1 et seq.; the Civil Administrative Code of Illinois, 20 ILCS 2310/2310-1 et seq.; and as further detailed in regulations promulgated by the Illinois Department of Public Health under the Certified Local Health Department Code, 77 Ill. Adm. Code 600.110 et seq.; provided, however, that the County Board shall continue to serve as the Board of Health of Cook County; and

WHEREAS, in conjunction with the Health System's consultant, PricewaterhouseCoopers, the Department began a nine (9) month strategic planning process in August 2010 to develop a five (5) year strategic plan to guide the Department in responding to upcoming changes in the health care field and in providing high quality public health services to Cook County residents in an efficient and cost effective manner; and

WHEREAS, in developing the strategic plan the Department sought input from its operation leaders, staff and community stakeholders, gathered external data from five major metropolitan health departments, and conducted a review of the leading public health practices in Illinois; and

WHEREAS, the Department developed goals to: become a leader of public health in Cook County; improve the health status of Cook County residents; become an accredited public health department; improve the quality of public health services provided; and strengthen the Department's organizational capacity; and

WHEREAS, as a result of the strategic planning process the Department developed a new mission to reflect the goals included in the strategic plan; and

WHEREAS, on May 26, 2011, the Health System Board of Directors requested that the County Board of Commissioners, as the Board of Health for Cook County, adopt the Department's new mission as derived from the strategic plan and that the Board of Commissioners amend the ordinance to reflect the new mission of the Department.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Article II Board of Health, Section 38-28 of the Cook County Code is hereby amended as follows:

Section 38-28. Mission and policy.

It is the mission and policy of the Board ~~to protect and promote the health of the people of the County and to prevent disease and injury through the activities of the Department as described in this article. It is the further mission and policy of this Board to encourage appropriate collaboration between County, local, state and federal officials as well as private health promoting institutions through the activities of the Department as described in this article to optimize health and promote health equity for all people and communities of Cook County through leadership and appropriate collaborations between County, local, state and federal officials, as well as private health promoting institutions, focusing on health promotion and disease prevention, while advocating for the environmental and social conditions necessary to advance physical, mental and social well-being.~~

Approved and adopted this 14th day of June 2011.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Commissioner Butler, seconded by Commissioner Silvestri, moved that the Ordinance Amendment be approved and adopted. **The motion carried unanimously.**

OFFICE OF THE PURCHASING AGENT

AGREEMENT

Transmitting a Communication dated June 8, 2011 from,

MARIA DE LOURDES COSS, Purchasing Agent

requesting authorization for the Purchasing Agent to enter into an agreement with (NIGP) National Institute of Governmental Purchasing, Herndon, Virginia, for Training Programs and Educational Seminars.

Reason: The County has been a member of NIGP for a number of years. NIGP is dedicated in providing professional training, research and a leader in promotion of best practices in public procurement. The curriculum offered is relevant to the body of knowledge covered in the exams required for professional certification. These certifications, both the Certified Professional Public Buyer (CPPB) and Certified Public Purchasing Officer (CPPO) are highly regarded in the field and were recently made a requirement at the State level. The implementation of this type of training leading to certification is a step towards professionalizing the Office of the Purchasing Agent. While other organizations may offer training in similar topics, NIGP's training is most relevant to public procurement and it can be used towards the requirements for the certification exam.

Estimated Fiscal: Impact: \$40,000.00. Contract period: July 15, 2011 through June 14, 2013 with 2 renewal options. (030-186 Account).

Approval of this item would commit Fiscal Years 2012 and 2013 funds.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Daley, moved that the County Purchasing Agent be authorized to enter into the requested agreement. **The motion carried unanimously.**

CONTRACTS AND BONDS

Transmitting a Communication, dated April 29, 2011 from

MARIA DE LOURDES COSS, Purchasing Agent

transmitting contracts and bonds executed by the contractors for approval and execution:

**Chicago Bar Foundation, Inc.
Agreement
Contract No. 10-41-201**

To Manage the Court's Guardianship Assistance Desk for Minors, for the Circuit Court of Cook County, Office of the Chief Judge, for the contract sum of \$179,287.00, for a period of three (3) years, as authorized by the Board of Commissioners 12/14/10.

**Cognitive Behavioral Solutions
Agreement
Contract No. 11-45-32**

To Provide Court-Ordered Counseling Services to Probationers Convicted of Sex Offenses, for the Office of the Chief Judge, Social Services Department, for the contract sum of \$55,000.00, for a period of twelve (12) months, as authorized by the Board of Commissioners 10/5/10.

**Cook County Suburban Publishers, Inc.
Agreement
Contract No. 11-41-18**

For publication of the State Mandated Publications as follows: Proposed Assessed Values for the 2011 Real Estate Triennial Assessment of the South Townships outside the City of Chicago; revisions made to the 2011 Triennial Assessment in South Townships outside the City of Chicago, after Publication of the Initial Triennial Assessment Publication; 2011 Triennial Assessment List in Additional Newspapers for Additional Public Notification as directed by the Assessor's Office; Revisions made to the 2011 Real Estate Non-Triennial Assessment of North Townships outside the City of Chicago; and revisions made as a Consequence of the Change in Assessment Practices to the 2010 Real Estate Assessment of North Townships outside the City of Chicago, for the Assessor's Office, for the contract sum of \$597,441.28, for a period of twelve (12) months, as authorized by the Board of Commissioners 1/4/11.

**Emages, Inc.
Agreement
Contract No. 11-45-34**

To Provide Court-Ordered Counseling Services to Probationers Convicted of Sex Offenses, for the Office of the Chief Judge, Social Services Department, for the contract sum of \$25,000.00, for a period of twelve (12) months, as authorized by the Board of Commissioners 10/5/10.

**Healthcare Alternative Systems, Inc.
Agreement
Contract No. 11-41-28**

To Provide Court-Ordered Counseling Services to Probationers Convicted of Domestic Violence Offenses, for the Office of the Chief Judge, Social Services Department, for the contract sum of \$25,000.00, for a period of twelve (12) months, as authorized by the Board of Commissioners 10/5/10.

**Industrial Organizational Solutions, Inc.
Agreement
Contract No. 11-50-54**

For Entry Level, Promotional Testing and Pre-Examination Preparation Seminars, for the Sheriff's Merit Board, for the contract sum of \$865,860.00, for a period of thirty-six (36) months, as authorized by the Board of Commissioners on 2/15/11.

Northwestern University

**Agreement
Contract No. 11-41-16**

For a Transitional Mental Health Clinic that Provides Continued Comprehensive Trauma Centered Treatment Services Programs to the Community, for the Sheriff's Department of Women's Justice Services (DWJS), for the contract sum of \$300,000.00, for a period of twenty-four (24) months, as authorized by the Board of Commissioners 2/1/11.

**Pro-West & Associates, Inc.
Agreement
Contract No. 10-50-1055**

For Application Development and Automation of Data that will Coordinate Business Work Flow Primarily between the Department of Building and Zoning and the Zoning Board of Appeals, for the Bureau of Technology - GIS Department, for the contract sum of \$657,112.00, for a period of sixteen (16) months, as authorized by the Board of Commissioners 3/1/11.

**Saints of Humboldt Park
Agreement
Contract No. 11-41-70**

For Supplemental Staff to Increase their Work Reducing Crime and Violence in Humboldt Park and Work with Ex-Offenders to Reduce Recidivism, for the Judicial Advisory Council, for the contract sum of \$50,000.00, for a period of seven (7) months, as authorized by the Board of Commissioners 4/20/11.

**Sarah's Inn
Agreement
Contract No. 11-41-27**

To Provide Court-Ordered Counseling Services to Probationers Convicted of Domestic Violence Offenses, Office of the Chief Judge, Adult Probation Department for the contract sum of \$25,000.00, for a period of twelve (12) months, as authorized by the Board of Commissioners 10/5/10.

**South Suburban Family Shelter
Agreement
Contract No. 11-41-25**

To Provide Court-Ordered Counseling Services to Probationers Convicted of Domestic Violence Offenses, for the Office of the Chief Judge, Social Services Department, for the contract sum of \$25,000.00, for a period of twelve (12) months, as authorized by the Board of Commissioners 10/5/10.

**Universal Family Connection
Agreement
Contract No. 11-41-47**

To Provide Court-Ordered Counseling Services to Probationers Convicted of Domestic Violence Offenses, for the Office of the Chief Judge, Social Service Department, for the contract sum of \$25,000.00, for a period of twelve (12) months, as authorized by the Board of Commissioners 10/5/10.

**Finer Foods, Inc.
Contract**

Contract No. 10-45-116 Rebid

For Poultry Products, as required for use by the Juvenile Temporary Detention Center, for the contract sum of \$169,957.25. This is a requirements contract for a period of twelve (12) months. Date Advertised 2/15/11. Date of Bid Opening 3/3/11. Date of Board Award 5/17/11.

**MTH, Industries
Contract
Contract No. 11-83-08**

For Glass Supplies, as required for use by the Department of Facilities Management, for the contract sum of \$203,372.00. This is a requirements contract for a period of twelve (12) months. Date Advertised 2/15/11. Date of Bid Opening 3/3/11. Date of Board Award 5/17/11.

Commissioner Daley, seconded by Commissioner Garcia moved that the contracts and bonds be approved and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried unanimously.**

OFFICE OF THE SHERIFF

CONTRACT

Transmitting a Communication, dated June 9, 2011 from

THOMAS J. DART, Sheriff of Cook County

by

ALEXIS HERRERA, Chief Financial Officer, Cook County Sheriff's Office

requesting authorization for the Purchasing Agent to enter into a contract and execute such agreements, addenda and other documents as may be necessary to accomplish the County's participation in the State of Illinois' contract with Landmark Ford, Inc., Springfield, Illinois, for the purchase of one hundred twenty-five Ford Crown Victoria sedans.

Reason: This request will be completed in accordance with the procedures established by the State of Illinois and Cook County with respect to the Joint Purchasing Program.

Estimated Fiscal Impact: \$2,667,000.00. One Time Purchase. (717/211-549 Account). Requisition No. 12110532.

The Vehicle Steering Committee concurs with this recommendation.

This equipment was included in the 2010 Capital Equipment Program approved by the Board of Commissioners on November 19, 2009.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by Commissioner Silvestri, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

Commissioner Reyes, seconded by Commissioner Silvestri, moved that the County Purchasing Agent be authorized to enter into the requested contract. **The motion carried unanimously.**

SOCIAL SERVICE DEPARTMENT

CONTRACTS

Transmitting a Communication, dated May 18, 2011 from

TIMOTHY C. EVANS, Chief Judge, Circuit Court of Cook County

requesting authorization for the Purchasing Agent to enter into a contract with Alliance Against Intoxicated Motorists (AAIM), Schaumburg, Illinois, to conduct fifty-two (52) Victim Impact Panels in court facilities in the First Municipal District in Chicago, Illinois, the Second Municipal District in Skokie, Illinois, the Third Municipal District in Rolling Meadows, Illinois, and the Sixth Municipal District in Markham, Illinois.

Reason: Victim Impact Panels are an important element of the Circuit Court's referral program that seeks to reduce Driving Under the Influence (DUI) recidivism. The panels consist of victims and past offenders who were involved in alcohol or drug related accidents. They relate their experiences before groups of DUI offenders. The program has proven to be effective in educating offenders about the consequences of driving under the influence.

AAIM is a not-for-profit organization of citizens, victims and survivors of accidents dedicated to reducing drunk driving through public education and community service. AAIM has been providing services on behalf of the Circuit Court of Cook County since 1991.

Estimated Fiscal Impact: \$42,900.00. Contract period: July 1, 2011, through June 30, 2012. (541-260 Account). Requisition No. 15410038.

Sufficient funds are available in the Social Service/Probation and Court Services Fund.

Commissioner Collins, seconded by Commissioner Reyes, moved that the County Purchasing Agent be authorized to enter into the requested contract. **The motion carried unanimously.**

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Transmitting a Communication, dated May 18, 2011, from

TIMOTHY C. EVANS, Chief Judge, Circuit Court of Cook County

requesting authorization for the Purchasing Agent to enter into a contract with Mothers Against Drunk Driving (MADD), Downers Grove, Illinois, to conduct twenty-two (22) Victim Impact Panels in court facilities in the Fourth Municipal District in Maywood, Illinois and the Fifth Municipal District in Bridgeview, Illinois.

Reason: Victim Impact Panels are an important element of the Circuit Court's referral program that seeks to reduce Driving Under the Influence (DUI) recidivism. The panels consist of victims and past offenders who were involved in alcohol or drug related accidents. They relate their

experiences before groups of DUI offenders. The program has proven to be effective in educating offenders about the consequences of driving under the influence.

MADD is a not-for-profit organization of citizens, victims and survivors of accidents, dedicated to reducing drunk driving through public education and community service. MADD has been providing services on behalf of the Circuit Court of Cook County since 1996.

Estimated Fiscal Impact: \$18,150.00. Contract period: July 1, 2011, through June 30, 2012. (541-260 Account). Requisition No. 15410039.

Sufficient funds are available in the Social Service/Probation and Court Services Fund.

Commissioner Collins, seconded by Commissioner Reyes, moved that the County Purchasing Agent be authorized to enter into the requested contract. **The motion carried unanimously.**

OFFICE OF THE STATE'S ATTORNEY

APPROVAL OF PAYMENT

Transmitting a Communication, dated May 5, 2011 from

ANITA ALVAREZ, Cook County State's Attorney

by

MICHELE V. LATZ, Chief of the Administrative Services Bureau, State's Attorney's Office

requesting approval of payment in the amount of \$351,016.98 to Treatment Alternatives for Safe Communities, Inc. (TASC), Chicago, Illinois, for the State's Attorney's Office Drug Abuse Program, a drug diversion and education program for non-violent adult drug offenders with limited criminal backgrounds.

Reason: At the June 1, 2011 Board Meeting we received authorization to enter into a contract for a one year period beginning June 1, 2011. The previous contract expired November 30, 2010. Although the agreement was not immediately replaced, due to uncertainties with regard to 2011 funding, it was important that program activity in progress at that time be continued. This payment is for services provided from December 1, 2010 through May 31, 2011, under the terms of the previous Board authorized agreement.

Estimated Fiscal Impact: \$351,016.98. (250-260 Account).

Commissioner Reyes, seconded by Commissioner Silvestri, moved that the payment to Treatment Alternatives for Safe Communities, Inc. (TASC) of Chicago, Illinois be made. **The motion carried unanimously.**

PENDING LITIGATION

Transmitting a Communication, dated May 17, 2011 from

JOURNAL OF PROCEEDINGS FOR JUNE 14, 2011

ANITA ALVAREZ, State's Attorney

by

PATRICK T. DRISCOLL, JR., Deputy State's Attorney, Chief, Civil Actions Bureau

respectfully request permission to discuss the following cases with the Board or the appropriate committee thereof:

1. Richard Johnson v. Correctional Officer Visvardes, et al., Case No. 11-C-0239
(Comm. No. 313135).
2. George Roby v. County of Cook, Case No. 09-M1-301145
(Comm. No. 313136).
3. Sonja D. Blue v. County of Cook (Estate of Mary L. Blue), Case No. 11-L-2452
(Comm. No. 313137).
4. Darlene Coleman Simon v. County of Cook, Oak Forest Hospital, Case No. 09-L-5891
(Comm. No. 313138).
5. Connie White v. County of Cook, et al., Case No. 10-L-11039
(Comm. No. 313139).
6. Jacob Mitchell v. County of Cook, Case No. 11-L-1174
(Comm. No. 313140).
7. Mayria Williams, Individually and as Mother and Next Friend of Jashon Reed v. County of Cook, Individually and d/b/a John H. Stroger, Jr. Hospital, Case No. 11-L-2826
(Comm. No. 313141).
8. Jose Estrella v. Thomas Dart, et al., Case No. 11-C-1838
(Comm. No. 313142).
9. Dion Thompson v. Thomas Dart, et al., Case No. 11-C-1288
(Comm. No. 313143).
10. Maria Pizano, Special Administrator of the Estate of Jose Pizano v. Cook County, d/b/a Stroger Hospital, Case No. 11-L-1537
(Comm. No. 313144).
11. Ralph Allison and Cheryl Allison v. Patricia Hayes and Cook County, Case No. 11-L-2533
(Comm. No. 313145).
12. Robert Macias v. Thomas Dart, et al., Case No. 11-C-580
(Comm. No. 313146).
13. Tamika Griffin v. Cook County, et al., Case No. 10-M1-300392
(Comm. No. 313147).
14. Washington v. Janice, et al., Case No. 11-C-1396
(Comm. No. 313148).

JOURNAL OF PROCEEDINGS FOR JUNE 14, 2011

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the communications be referred to the Committee on Finance Litigation Subcommittee. **The motion carried unanimously.**

ADJOURNMENT

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the meeting do now adjourn to meet again at the same time and same place on Tuesday, July 12, 2011, in accordance with County Board Resolution 11-R-26.

The motion prevailed and the meeting stood adjourned.

County Clerk